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# Report of the Secretary-General on women and peace and security

## I. Introduction

1. The present report is submitted pursuant to the presidential statement of the Security Council dated 26 October 2010 (S/PRST/2010/22), in which the Council requested me to continue to submit an annual report on the implementation of resolution 1325 (2000), and the presidential statement dated 28 October 2011 (S/PRST/2011/20), issued in connection with the open debate on women's participation and role in conflict prevention and mediation, in which the Council requested me to include in my next annual report a comprehensive overview of specific actions, achievements and challenges to the implementation of that statement, in particular those concerning the participation of women in mediation and preventive diplomacy.

2. Section II of the present report provides an overview of progress since last year in implementing resolution 1325 (2000), including updated data in relation to the initial set of indicators presented in my 2010 report on women and peace and security (S/2010/498, annex). Section III provides information on specific issues raised in the presidential statement of 28 October 2011, including the information requested on women's participation in mediation and preventive diplomacy. Section IV contains concluding observations and recommendations.

3. The report is based on contributions from 27 entities of the United Nations system,[1] including field missions and country offices, and eight regional and

[1] Department of Field Support, Department of Peacekeeping Operations, Department of Political Affairs, Economic Commission for Latin America and the Caribbean (ECLAC), Economic and Social Commission for Asia and the Pacific (ESCAP), Economic and Social Commission for Western Asia (ESCWA), Food and Agriculture Organization of the United Nations (FAO), International Fund for Agricultural Development (IFAD), Office for the Coordination of Humanitarian Affairs, Office for Disarmament Affairs, Office of the Special Adviser on the Prevention of Genocide, Office of the Special Representative of the Secretary-General on Children and Armed Conflict, Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, United Nations Conference on Trade and Development (UNCTAD), Office of the United Nations High Commissioner for Human Rights (OHCHR), Office of the United Nations High Commissioner for Refugees (UNHCR), Peacebuilding Support Office, United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), United Nations



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subregional organizations.[2] The report also draws on the findings of my recent reports on strengthening the role of mediation and peaceful settlement of disputes, conflict prevention and resolution (A/66/811) and peacebuilding in the aftermath of armed conflict (S/2012/746).

# II. Overview of progress

## A. Coordination and accountability for results

4. For the United Nations, major initiatives in the past two years, such as the development of and initial reporting on the resolution 1325 (2000) indicators, steps taken to implement the seven-point action plan on gender-responsive peacebuilding, the adoption of the United Nations strategic results framework on women and peace and security, and the civilian capacity review, have helped to identify good practices, set shared targets and identify areas that need further attention.

5. Last year's report (S/2011/598) highlighted policy initiatives by regional and subregional organizations. Since then, new initiatives to ensure more effective implementation at the regional level have been taken, such as the development of a Pacific regional action plan, the development by the League of Arab States of a regional strategy on women and peace and security, and efforts to secure financing for the implementation of the Economic Community of West African States (ECOWAS) regional action plan for the implementation of resolutions 1325 (2000) and 1820 (2008). The Economic and Social Commission for Western Asia, together with the Inter-Parliamentary Union and the Economic Commission for Africa will support legislators in the region to advance implementation of the resolutions. The adoption in April 2011 of the Council of Europe Convention on preventing and combating violence against women and domestic violence, including during armed conflict, is an important contribution to the strengthening of the legal framework to prevent such violence, protect victims and end impunity. Mechanisms for monitoring and reporting on regional initiatives to implement these commitments on women and peace and security are being strengthened in order to better track progress. The initial reporting on the European Union indicators[3] on women, peace and security, the release in November 2011 of the North Atlantic Treaty Organization (NATO) Secretary-General's first annual report detailing the work of NATO to support the implementation of resolution 1325 (2000) and the appointment of a NATO special representative for women, peace and security are recent examples of efforts to improve accountability for results. Meetings such as the Fourth Ministerial Meeting on the Role of Women in the Development of

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Environment Programme (UNEP), United Nations Office on Drugs and Crime (UNODC), United Nations Population Fund (UNFPA), United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), World Health Organization (WHO) and World Bank.

[2] Association of Southeast Asian Nations (ASEAN), Council of Europe, League of Arab States, Organization of American States (OAS), Organization of Islamic Cooperation, Organization for Security and Cooperation in Europe (OSCE), North Atlantic Treaty Organization (NATO) and Shanghai Cooperation Organization.

[3] Indicators for the comprehensive approach to European Union implementation of Security Council resolutions 1325 (2000) and 1820 (2008) on women, peace and security.

Organization of Islamic Cooperation States, to be held in Jakarta in December 2012, also represent opportunities to take stock of progress.

6. At the national level, the number of countries that have articulated their priorities on women and peace and security through national action plans has continued to grow. As of June 2012, 37 Member States[4] had adopted national action plans and a number of others were developing plans. The capacity to implement, monitor, cost and finance those plans still varies significantly. Only seven countries have published dedicated budgets and another 18 countries have indicated that implementation will be resourced through alignment with sectoral budgets. Multi-stakeholder financing mechanisms, as in Burundi, are useful tools to finance the implementation of national action plans. Since the call for indicators by the Security Council in resolution 1889 (2009), the number of national action plans with indicators has increased from 6 to 26 (70 per cent of the plans adopted). In 2012 and 2013, a third of the national action plans are up for review or renewal, offering an opportunity to put in place mechanisms to address gaps adequately in order to ensure effective implementation of the plans.

7. Although national action plans can be useful tools to advance implementation of commitments on women, peace and security, it is equally important to ensure the mainstreaming of those commitments in all relevant policy and planning processes, including at the subnational level. For instance, the Global Network of Women Peacebuilders has been working to enhance the capacity of local government officials in Burundi, Nepal, the Philippines and Sierra Leone to develop local strategies for the implementation of resolution 1325 (2000), and the African Union-United Nations Hybrid Operation in Darfur has supported the establishment of "1325 committees" in all states of Darfur, the Sudan. The integrated or parallel implementation of action plans on the prevention of sexual and/or gender-based violence can build synergies with national action plans. As of July 2012, over 140 countries, including several in post-conflict situations, either have in place a national strategy on violence against women and girls or have included measures to address such violence in national plans covering broader issues.[5]

8. The Convention on the Elimination of All Forms of Discrimination against Women review process and the universal periodic review process of the Human Rights Council are other useful entry points for highlighting concerns and generating recommendations on women and peace and security. The adoption by the Committee on the Elimination of Discrimination against Women of the general recommendation on women in conflict and post-conflict situations which is currently being elaborated could contribute significantly to improved accountability at the national level.

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[4] Austria, Australia, Belgium, Bosnia and Herzegovina, Burundi, Canada, Chile, the Democratic Republic of the Congo, Côte d'Ivoire, Croatia, Denmark, Estonia, Finland, France, Georgia, Guinea, Guinea-Bissau, Iceland, Ireland, Italy, Liberia, Nepal, the Netherlands, Norway, the Philippines, Portugal, Rwanda, Senegal, Serbia, Sierra Leone, Slovenia, Spain, Sweden, Switzerland, Uganda, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

[5] See the Secretary-General's database on violence against women: http://sgdatabase.unwomen.org/home.action.

9. Translating norms into practice must in the end be measured against real change in the lives of women, girls, boys and men across the continuum from conflict to peace. The update on progress provided below highlights good practices and new initiatives, as well as gaps and challenges and areas that need attention.

## B. Prevention

10. In the past decade, the international community has firmly expressed its aspiration to move from a culture of reaction to a culture of prevention, as demonstrated by the inclusion of the protection of civilians in the mandates of 8 out of 16 peacekeeping missions. After the mass rape perpetrated in Walikale in 2010, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) established early-warning and response tools to improve the mission's monitoring, reporting and capacity to respond rapidly to threats or incidents of violence. Similarly, after intercommunal violence in Jonglei State in 2011 and 2012, the United Nations Mission in the Republic of South Sudan (UNMISS) initiated the use of indicators on women and girls as part of its civilian protection strategy.

11. Since my previous report, the Security Council received updates on concerns related to the situation of women and girls in armed conflict through country-specific and thematic reports, open debates, briefings by senior officials, including the Under-Secretary-General and Executive Director of UN-Women, Arria Formula meetings and Council field missions. Although significantly improved, data show that the information flow to the Security Council and the Council's response to women and peace and security concerns continue to be uneven.

Box 1

**Indicator: Extent to which United Nations peacekeeping and special political missions include information on violations of women's and girls' human rights in their periodic reporting to the Security Council.** Of the 58 periodic reports submitted by peacekeeping and political missions to the Security Council during 2011, 46 (79 per cent) included women and peace and security issues (a decrease from 90 per cent in 2010). Improved quality of analysis, however, contributed to an increase in recommendations on women and peace and security: in 69 per cent of reports compared to 25 per cent in 2010.

Box 2

**Indicator: Number and type of actions taken by the Security Council related to resolution 1325 (2000).** In 2011, a majority of the Council's actions in this area involved requesting specific information in thematic and country-specific reports (including on Afghanistan, Haiti and the Sudan) and establishing or renewing mission mandates with language on women's rights or gender mainstreaming.[a] The Council imposed sanctions on individuals and entities in Somalia responsible for targeting civilians, including children and women, in situations of armed conflict, killing and maiming, sexual and gender-based violence, attacks on schools and hospitals and abduction and forced displacement. Of the resolutions adopted by the Council in 2011, 38 per cent (25 out of 66 resolutions) made specific reference to resolution 1325 (2000), compared to 37 per cent in 2010.

[a] The mandates of 17 missions were extended: United Nations Integrated Peacebuilding Office in the Central African Republic, United Nations Office in Burundi, United Nations Mission for the Referendum in Western Sahara, United Nations Stabilization Mission in Haiti, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, United Nations Assistance Mission in Afghanistan, United Nations Assistance Mission for Iraq, African Union-United Nations Hybrid Operation in Darfur, United Nations Disengagement Observer Force, United Nations Peacekeeping Force in Cyprus, United Nations Interim Force in Lebanon, United Nations Integrated Peacebuilding Office in Guinea-Bissau, United Nations Integrated Peacebuilding Office in Sierra Leone, United Nations Mission in Liberia, United Nations Integrated Mission in Timor-Leste, United Nations Operation in Côte d'Ivoire and United Nations Political Office for Somalia. The new missions established were United Nations Interim Security Force for Abyei, United Nations Mission in South Sudan and United Nations Support Mission in Libya.

Box 3

**Indicator: Extent to which Security Council missions address specific issues affecting women and girls in the terms of reference and mission reports.** In 2011, the Security Council undertook one field mission, with segments visiting: Addis Ababa to discuss African Union and United Nations cooperation; Khartoum, Abyei and Juba; and Nairobi, where the mission considered the situation in Somalia, as its members were unable to travel to Mogadishu. The mission's terms of reference included issues regarding women's participation in the Somali and Sudanese peace processes. The mission provided a briefing to the Council (see S/PV.6546) in which no specific issues concerning women and girls were discussed. As of July 2012, the mission report had not been released.

12. The prevention of and response to conflict-related sexual violence remain an urgent priority. My Special Representative on Sexual Violence in Conflict has continued to draw attention to and monitor situations of particular concern. Member entities of United Nations Action Against Sexual Violence in Conflict have continued to work together on catalytic interventions to prevent and respond to incidents of conflict-related sexual violence. An update on patterns of sexual violence and responses by the United Nations system and other actors is provided in my report on conflict-related sexual violence, submitted to the Council in January 2012 (S/2012/33).

Box 4

**Indicator: Patterns of sexual violence in conflict and post-conflict situations.** The annex to my report on conflict-related sexual violence (S/2012/33) contains a list of parties to conflict that are credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence in situations of armed conflict in the Central African Republic, the Democratic Republic of the Congo, Côte d'Ivoire and South Sudan. The report also provides information on parties to armed conflict credibly suspected of committing or being responsible for acts of rape or other forms of sexual violence in Colombia, Libya, Myanmar, Somalia and the Sudan (Darfur), and information on conflict-related sexual violence in post-conflict situations and other situations of concern in Angola, Bosnia and Herzegovina, Chad, Liberia, Nepal, Sierra Leone, Sri Lanka and Timor-Leste. Sexual violence in the context of elections, political strife and civil unrest was identified in Egypt, Guinea, Kenya and the Syrian Arab Republic.

13. Preventing sexual exploitation and abuse by United Nations staff and related personnel continues to be a priority for the United Nations and Member States (see A/66/699). One substantiated case is one too many. Data for 2011 indicate a decrease in the number of reported allegations compared to 2010, and an increase in the rate of follow-up; however, there are concerns about possible underreporting. The continued incidence of acts of sexual exploitation and abuse of children and beneficiaries, and allegations of rape are of particular concern. Work to enhance prevention mechanisms, enforce the zero tolerance policy and assert accountability must continue in order to build confidence in reporting mechanisms, to ensure consistent follow-up and to ensure alacrity of investigation. I emphasize the importance of all acts of sexual exploitation and abuse being investigated and prosecuted without delay, in accordance with due process of law and with relevant memorandums of understanding that have been signed between the United Nations and Member States. The Secretariat is committed to supporting Member States in this regard.

Box 5

**Indicator: Percentage of reported cases of sexual exploitation and abuse allegedly perpetrated by uniformed and civilian peacekeepers and/or humanitarian workers that are acted upon out of the total number of referred cases.** In 2011, a total of 102 allegations of sexual exploitation and abuse were made. As of 31 December 2011, investigations had been completed for 26 per cent of the 74 allegations against peacekeeping and special political mission personnel (41 military, 27 civilian and 6 police personnel). With respect to the 25 referrals made to Member States, 13 responses were received indicating intention to conduct an investigation (a 52 per cent response rate, up from a 39 per cent response rate in 2010). With respect to the 35 referrals to Member States for disciplinary action following substantiated allegations received in 2011 or earlier, 22 responses (a 63 per cent response rate) were received indicating that disciplinary action would be or had been taken. Of the 28 remaining above-mentioned allegations, against entities other than peacekeeping and special political missions,[a] 39 per cent were under investigation, 36 per cent were closed owing to the allegations being unsubstantiated or to lack of sufficient evidence, and 25 per cent were substantiated or under review.

[a] Departments and offices of the United Nations Secretariat, agencies, funds and programmes.

14. In its 2011 presidential statement concerning women and peace and security (S/PRST/2011/20), the Security Council stressed the importance of promoting and protecting the human rights of women and girls in the context of the implementation of resolution 1325 (2000). Sustained attention is required to the timely reporting, referral and investigation of, and response to, the broader spectrum of human rights violations against women in armed conflict and in post-conflict situations, including threats and attacks against women human rights defenders.

Box 6

**Indicator: Extent to which violations of women's and girls' human rights are reported, referred and investigated by human rights bodies.** From 1 January to 31 December 2011, Human Rights Council special procedures mandate holders took action by sending a letter of allegation or an urgent appeal in 17 cases concerning alleged violations of women s rights in 9 of the 32 countries or territories reviewed.[a] The majority of cases concerned threats, intimidation, arbitrary detention, killing, sexual violence and other violent attacks against women human rights defenders. The victims included lawyers, journalists, trade union activists, indigenous leaders, bloggers, women's rights activists and political opponents.

[a] Countries or territories in which a political, peacebuilding or peacekeeping mission operated during 2011, or concerning which the Security Council was seized between 1 January 2009 and 31 December 2011, or countries or territories that were eligible for peacebuilding funds in 2011.

Box 7

**Indicator: Number and percentage share of women in governance bodies of national human rights bodies.** As of 31 December 2011, 11 of the 32 countries or territories reviewed[a] had accredited national human rights institutions.[b] Women represented 25 per cent of the membership of the governing bodies of those institutions. Nine institutions (82 per cent) devoted specific sections or chapters to the situation of women in their annual reports. Units, departments, working groups or focal points in seven institutions (64 per cent) specifically addressed women's rights. Two of the 11 institutions (18 per cent) had departments dealing with marginalized and discriminated groups that also focused on women and girls.

[a] See box 6, note a.

[b] Only institutions accredited with A or B status by the International Coordination Committee of National Institutions for the Promotional Protection of Human Rights were considered. For information on the accreditation procedure, see http://nhri.ohchr.org/EN/Pages/default.aspx.

15. The United Nations and the international community are increasingly focused on emerging threats to peace, security and the rule of law, such as transnational organized crime and illicit trafficking, and the root causes of conflict, including economic and social justice issues (S/2011/634, para. 4) and the management of natural resources. These issues affect women and men differently owing to gender-based discrimination and gender inequality and therefore require gender-responsive analysis and responses. Over the past year, various actors have made efforts to make such linkages more visible. Research[6] from the Democratic Republic of the Congo on illegal mining practices, for example, highlighted patterns of sexual slavery, sexual abuse and trafficking in seven provinces.

16. More actors are now engaged in assessing the risks of armed conflict and escalation of violence around the globe, and the use of new technologies for incident and crisis mapping is increasing. Closer cooperation between the United Nations and regional and subregional organizations with early-warning systems, such as the African Union, ECOWAS and the International Conference on the Great Lakes Region, is contributing to better quality data, including on sexual violence in conflict. Significant improvements in access to information, including on threats against women and girls, have yet to produce consistent early action. Swift action to prevent violent conflict remains a significant challenge for the international community.

17. Effective conflict prevention is embedded in long-term investments in women's and girls' empowerment and in support for women's efforts to build peace. Immediate priorities include building the capacity of peacekeepers and security-sector actors to take preventive action in response to gender-specific security threats, in particular sexual violence; strengthening the conflict prevention role of

[6] MONUSCO, "*Etude sur l'impact de l'exploitation artisanale des ressources naturelles sur le développement, l'autonomisation et l'avancement de la femme et de la fille en République Démocratique du Congo*" (Kinshasa, 2011).

regional organizations; regular consultation with women's groups by leaders of international and regional organizations and other mediation and peace leaders; and the continued insertion in mandates established and renewed by the Security Council of specific instructions for women's engagement in conflict prevention.

## C. Participation

18. In 2011, the Council expressed concern about the persistence of obstacles to women's engagement in mediation and peacebuilding efforts (see S/PRST/2011/20). Although good examples of improvements in women's participation and representation can be identified, progress remains slow.

Box 8

**Indicator: Representation of women among mediators, negotiators and technical experts in formal peace negotiations.** In 2011, women were represented in the mediation support teams of 12 of the 14 United Nations co-led peace negotiations (86 per cent). Of these 14 peace processes, only 4 of the negotiating party delegations included a woman delegate. Gender experts were deployed to 5 of 11[a] relevant peace negotiations (45 per cent). Consultations with women's civil society organizations were conducted on a regular basis in 7 of those 11 negotiations (64 per cent).

[a] Three of the 14 peace negotiations in 2011 — two on border demarcation disputes and one on a country name dispute — were negotiated at the ministerial level at United Nations Headquarters and did not explicitly involve women and peace and security dimensions.

19. The recently issued Guidance for Effective Mediation (A/66/811, annex I) emphasizes that the gender dimensions of mediation should be clearly and consistently articulated. Agreements without gender-sensitive provisions can limit women's opportunities to achieve basic security, as well as political, economic and social empowerment. The available data indicate little progress in this area.

Box 9

**Indicator: Percentage of peace agreements with specific provisions to improve the security and status of women and girls.** In 2011, nine peace agreements[a] were signed involving eight countries, with only two (22 per cent) containing women and peace and security provisions — the same percentage as in 2010. The United Nations was the co-lead mediator for four of the nine brokered peace agreements (Madagascar, Somalia, the Sudan and Yemen). Two of those four agreements have specific women, peace and security provisions focusing on women's participation in the implementation of the agreements. In the Somalia road map a quota was specifically requested for women's representation in transitional bodies and in the implementation of the road map.

The December 2011 peace agreement in Yemen called for women's representation in transitional bodies and the adoption of legal and other means to protect and advance the human rights of women. The United Nations provided mediation support to both agreements.

[a] The Department of Political Affairs defines ceasefire or peace agreements as contracts signed between at least two parties to a conflict, intending to end or significantly transform a violent conflict so that it may be addressed more constructively.

20. Periods of transition offer opportunities to design and adopt strategies that are conducive to increasing the level of women's participation in politics. About one third of the countries with 30 per cent or more women parliamentarians are countries with transitional experience. In countries in which the Security Council at any time since 1989 established a mandate related to elections, women made up 23.5 per cent of parliamentarians in June 2012, which is higher than the global average.

21. While women's parliamentary representation has increased globally, the rate of progress has remained slow. The outcomes of the nine post-conflict elections in 2011 indicate that temporary special measures, including electoral gender quotas, which are most frequently used in proportional representation systems, remain an effective way to increase the number of women in decision-making bodies. The percentage of parliamentary seats won by women ranged from 4 to 13 per cent in the eight countries with no legislated electoral gender quotas and an electoral system that involved a plurality/majority-based race. By contrast, women won 35 per cent of seats in Uganda, where quotas were applied. Several countries adopted temporary special measures in 2011. Haiti adopted an electoral gender quota of 30 per cent after its elections failed to return women to more than 4 per cent of the seats in parliament. In Timor-Leste, the electoral law was amended to raise the electoral gender quota from 25 to 30 per cent. Libya adopted a quota requiring parties to alternate male and female candidates on the lists submitted in the proportional representation race.

Box 10

**Indicator: Women's political participation in parliaments and ministerial positions.** As of 31 March 2012, women made up 20 per cent of parliamentarians globally, slightly up from 19 per cent in June 2011. In the 32 countries or territories reviewed,[a] women on average made up 18 per cent of parliamentarians; in five countries women had a higher than 30 per cent representation rate in parliament (Burundi, Nepal, Rwanda, Timor-Leste and Uganda, all of which have legislated quotas and most of which have an electoral system involving proportional representation) and in eight countries a rate of 10 per cent or less (Comoros, the Democratic Republic of the Congo, Georgia, Guinea-Bissau, Haiti, Lebanon, Myanmar and Somalia). As of 1 January 2012, women held 23 per cent of the ministerial positions in the countries reviewed (28 of the 32 countries or territories reviewed had data on this).

[a] See box 6, note a.

22. While temporary special measures are important, addressing the structural factors that discourage women's candidacy and electoral participation require renewed attention. Effective measures to that end include engagement with electoral management bodies, the registration of women voters, women's access to identity cards, codes of conduct for the media and political parties, the establishment of women's cross-party associations, and awareness-raising and training for election officials and for women voters and candidates.

23. Equally important are measures to improve security for women in elections. One model spearheaded by women's civil society groups for civil society engagement in election monitoring is the election "situation room". The situation room established during the 2012 election in Senegal brought together women, youth, the media, election stakeholders, and religious and traditional institutions to work together to ensure a peaceful electoral process, observe campaigning and polling incidents and coordinate prevention and rapid response. The impact of election-related violence on women and the need to invest more in its prevention are gaining increased attention. The May 2011 Praia Declaration on Elections and Stability in West Africa, for example, underlined the need to ensure fair protection to all voters and candidates, in particular female candidates, against violence, intimidation and other forms of human rights violations.

24. Efforts are needed to increase the numbers of elected or appointed women officials in local governance or public administration. In Timor-Leste, the current local development programme provides good practice, calling for women to hold 50 per cent of positions in subdistrict-level bodies. Another example is from the central region of Afghanistan where Afghan partners and the United Nations Development Programme (UNDP) are addressing the gap in women's representation on provincial peace councils by supporting a network of female councillors to strengthen their engagement in local decision-making processes.

25. In 2011, the Security Council encouraged regional and international organizations to take steps to increase the numbers of women in representative roles in those organizations, including the United Nations. This remains an area where more efforts are needed, in particular at the middle and senior management levels.

Box 11

**Indicator: Women's share of senior positions in United Nations field missions.** As of 31 December 2011, women headed 6 of the 28 peacekeeping, political and peacebuilding missions (in Burundi, the Central African Republic, Cyprus, Liberia, South Sudan and Timor-Leste) compared to 5 in June 2011, and were deputy heads of 5 (in Burundi, the Democratic Republic of the Congo, Iraq, South Sudan and the Sudan (Darfur)), the same number as in June 2011. Compared to June 2011, women's share of senior positions (P-5 to D-2) had dropped to 18 per cent from 23 per cent in the political and peacebuilding missions and to 21 per cent from 24 per cent in the peacekeeping missions. In the nine reporting programme entities[a] operating in the 32 countries under review,[b] women's share of senior positions is 31 per cent.

[a] The Office for the Coordination of Humanitarian Affairs, OHCHR, UNDP, UNESCO, UNFPA, UNHCR, UNICEF, UNRWA and UN-Women.

[b] See box 6, note a.

26. The Security Council has continuously encouraged Member States to deploy more female military and police personnel to United Nations peacekeeping operations. As of 31 December 2011, women made up 10 per cent of United Nations police and 3 per cent of military staff in peacekeeping missions. The Police Division of the Department of Peacekeeping Operations has continued to implement the United Nations Global Effort, which set a target of reaching 20 per cent female police participation in peacekeeping operations by 2014. Several initiatives have been developed to promote the achievement of that goal. For example, in August 2011 the Police Division launched the United Nations International Network of Female Police Peacekeepers to raise the profile of female police in international peace operations.

27. Increased numbers alone are not enough. Gender expertise is also needed, as was noted in last year's report. The United Nations and regional and subregional organizations continue to improve their capacity in this area. In 2012, the Department of Political Affairs formalized the gender expert position in the United Nations standby team of mediation experts for rapid deployment and increased the share of women technical experts on the mediation roster to 36 per cent and the share of gender experts (both male and female) to 10 per cent. The standby team, along with other partners, played a crucial role in facilitating a positive result during the 2011 Garowe negotiations on Somalia, in which the parties agreed to a ratio of 30 per cent participation for women in the Independent Electoral Commission, the National Constituent Assembly and the new Federal Parliament. I encourage Member States to take advantage of the technical gender expertise available within the United Nations system. A review of how gender expertise is structured and deployed within the United Nations system is currently under way and will result in recommendations for increasing effectiveness.

Box 12

**Indicator: Percentage of field missions with gender experts.** As of December 2011, all multidimensional peacekeeping operations and political missions managed by the Department of Peacekeeping Operations have gender advisers. Of field missions managed by the Department of Political Affairs, including regional offices, 50 per cent have gender advisers — an increase from 46 per cent in 2011. Of five reporting agencies, funds and programmes, UN-Women had gender advisers in all existing operations in the countries and territories of concern;[a] the Office for the Coordination of Humanitarian Affairs, UNDP and UNFPA had gender advisers in 50, 42 and 24 per cent of the operations, respectively; and UNRWA had one gender adviser.

[a] See box 6, note a.

28. In recent years more attention has been given to the importance of inclusivity in post-conflict peacebuilding processes and the need to lay the foundations for non-discriminatory and broad-based decision-making processes. A number of United Nations entities have supported the engagement of women's leaders and civil society organizations in national dialogue processes as a strategy to sustain

peacebuilding. For example, in South Sudan, UNMISS supported the establishment of a Community Women Peace Dialogue Forum which engages women from different communities in identifying early warning signs of conflict, in mediating community conflicts and in leading campaigns to prevent sexual and gender-based violence. In Guinea-Bissau, the United Nations Integrated Peacebuilding Office and UNDP organized a preparatory conference for women delegates to the national dialogue process. In Yemen, UNFPA and UN-Women are partnering to support women's engagement in the country's upcoming national dialogue.

29. The United Nations continues supporting open day consultations on women and peace and security issues between women in civil society and senior United Nations representatives. In 2011, consultations were held in 15 countries, and two regional consultations were organized in West Africa and South Asia.

30. Elections scheduled over the next 12 months in post-conflict countries offer opportunities to promote higher participation of women, including through the use of temporary special measures. Other priority areas for improving the engagement of women in peacemaking and peacebuilding processes include the creation of incentives for negotiating parties in peace processes to include women, the provision of opportunities for women's groups to engage in conflict-resolution and peacebuilding processes, commitments to increase the number of women appointed to position at the national and local levels, greater use of gender expertise in conflict-resolution and peacebuilding processes, and capacity-building for women's civil society organizations. The United Nations and regional organizations must continue to take steps to increase the number of women involved in decision-making and redress any decline in the proportion of women at senior levels.

## D. Protection

31. Women and girls continue to be affected by violations of international human rights, humanitarian and refugee law, including forced displacement, constraints on humanitarian access, and sexual and gender-based violence. During the past year, sexual violence and the threat of sexual violence continued to be employed as a tactic of conflict across a range of contexts, including in Côte d'Ivoire, the Democratic Republic of the Congo, Libya, the Syrian Arab Republic and northern Mali. In Afghanistan, the United Nations Assistance Mission in Afghanistan reported an increase in the number of women and children killed in conflict-related violence in 2011 compared to 2010.

32. Over the past year, investments have been made across regions to strengthen good practices that have proven effective for the protection and promotion of the human rights of women and girls in armed conflict and post-conflict settings. For example, in Mogadishu a Women's Civilian Protection Unit was established as a community patrol mechanism. In contexts such as Afghanistan, the Democratic Republic of the Congo, Georgia, Kyrgyzstan and Somalia, legal clinics have improved women's access to free legal aid. Through newly established rapid response and surge teams, as well as information management mechanisms coordinated by UNFPA, UNHCR, UNICEF, WHO and partners, increased support is available to countries to address gender-based violence. UNHCR launched a five-year Light Years Ahead campaign aimed at raising funds to improve basic cooking and security-related lighting needs of more than 450,000 refugees in seven African countries. The

establishment of "one stop" centres, such as the Sexual Assault and Referral Centre at the Hargeisa Central Hospital in Somaliland, or centres for integrated services, such as the 10 *centres d'excellence* in Côte d'Ivoire, can significantly improve the access of victims of sexual and gender-based violence to holistic services. Improving predeployment training for military and police personnel participating in peacekeeping missions, and building the capacity of national security-sector actors and institutions to prevent and respond to sexual and gender-based violence remain priorities.

33. The 2011 Regional Dialogues with Refugee Women organized by UNHCR demonstrated that women and girls continue to face gender-specific risks in all protection areas. Lack of registration documentation often means women are unable to access health and education services or other benefits. Emergency registration programmes in internally displaced people's camps and civic registration in the immediate aftermath of conflict can have a positive impact on women's empowerment.

34. I reiterate the need for clear instructions, directives and guidance on how to promote and protect the human rights of women and girls. In Liberia, the National Standard Operating Procedures for Prevention and Response to Sexual and Gender Based Violence in Liberia have enabled specialized entities to ensure full adherence to best practices and minimum standards that meet international safety and ethical guidelines. Efforts have been made to include measures to protect the human rights of women and girls in the operational directives of peacekeeping missions.

Box 13

**Indicator: Extent to which measures to protect the human rights of women and girls are included in directives issued by heads of military components and heads of police components of peacekeeping missions.** Of 16 military strategic concepts of operations and force operation orders issued from 2007 to mid-2012 across nine peacekeeping operations,[a] 9 (56 per cent) included measures to protect the human rights of women and girls. Of police components in 13 missions, 54 per cent[b] had been issued with concepts of operations that included those measures.

[a] MINUSTAH, MONUSCO, UNAMID, UNIFIL, UNMIL, UNISFA, UNMISS, UNMIT and UNOCI.

[b] MINUSTAH, MONUSCO, UNAMID, UNIOGBIS, UNMIL, UNMISS and UNMIT.

35. In many conflicts, the use of explosive weapons in populated areas remains a major cause of forced displacement. People also flee in fear of violence, or are forced from their homes at gunpoint or by other means. The availability and limited control of small arms and light weapons continue to facilitate gender-based crimes, such as rape and other forms of sexual abuse and violence. The Arms Trade Treaty negotiations held in New York in July 2012 did not result in an agreement. The Committee on the Elimination of Discrimination against Women issued a statement[7]

[7] Available at www2.ohchr.org/english/bodies/cedaw/docs/statements/StatementGenderPerspective.pdf.

emphasizing the negative impact of unregulated arms trade on women's rights and calling on Member States to agree upon a robust treaty that would emphasize the security of women and girls as an indicator of peace and stability.

36. Although many of the initiatives highlighted have contributed in significant ways to improving security and accountability, they are regrettably still often limited in scope and in geographic coverage. Serious weaknesses in judicial systems, absence or weak implementation of laws aimed at protecting women and girls, impunity and lack of support services, particularly in rural and remote areas, remain. These situations are exacerbated by signs of backsliding on women's rights in some transitional contexts. In Afghanistan, national women's groups, while welcoming an effort to mediate an end to overt violent conflict, have voiced concerns both over the readiness of the national authorities to take on national security and the potential for a peace deal to be made at the cost of women's hard-fought rights. Progress on women's protection must be sustained.

## E. Relief and recovery

37. The United Nations system has committed to developing and implementing a range of actions in support of national efforts to ensure gender-responsive planning, funding and implementation of relief and recovery initiatives in conflict and post-conflict situations. For example, all post-conflict needs assessments undertaken since 2010 have included dedicated gender expertise — a direct consequence of work related to planning detailed in my report in 2011. The Joint Socio-Economic Impact Assessment in Yemen provides an example of good practice: specific technical support on gender and peacebuilding resulted in women's engagement in transitional planning and a draft road map setting out objectives for women's participation in recovery.

38. Gender-responsive planning frameworks serve as strategic tools for women's empowerment and rights in post-conflict contexts only when they are supported by adequate budgets. Unfortunately, there has been slow change in the share of budgets allocated to women's empowerment and gender equality projects and programmes in post-conflict contexts, leaving the goal of targeting 15 per cent of spending to this area unmet. A study of over 200 project documents from United Nations-managed multipartner trust funds and joint programmes in six countries found that on average 7.1 per cent of project budgets targeted gender-specific needs or issues in 2012,[8] marking only a small increase from the estimated 5.7 per cent allocated in 2010. There are country-level initiatives to address this situation. For example, as part of efforts to implement the seven-point action plan on gender-responsive peacebuilding, the United Nations country teams in Guinea-Bissau, Kyrgyzstan, Liberia, Nepal and the Sudan have all committed to generating a baseline of spending on women's needs and integrating remedial measures where necessary. In addition, the Peacebuilding Fund has met its interim goal of allocating 10 per cent of its resources to meeting women's needs.

39. A growing number of United Nations entities are developing resource tracking methods, or gender markers. I will continue my efforts to support greater coherence

[8] UN-Women, *What Women Want: Planning and Financing for Gender-Responsive Peacebuilding* (New York, forthcoming 2012).

in this regard, including through the United Nations Development Group-led development of a set of common principles for gender marker systems and the prioritization of the full roll-out of gender markers in post-conflict contexts. I have asked all United Nations entities, consistent with their respective organizational mandates, in countries eligible to receive funding from the Peacebuilding Fund, to track and report on the proportion of their post-conflict peacebuilding project funds allocated in 2012 to address women's specific needs, advance gender equality or empower women (both as principal and significant objectives). In late 2011, the Office for the Coordination of Humanitarian Affairs, through gender advisers provided by the gender standby capacity project, supported the application of the Inter-Agency Standing Committee gender marker to all consolidated appeal projects. In the Occupied Palestinian Territory this support resulted in a drop in the proportion of "gender-blind" projects from 70 per cent to 28 per cent and an increase in the proportion of projects that met both women's and men's needs from 20 per cent to 72 per cent.

Box 14

**Indicator: Proportion of United Nations system funding used to address gender equality issues, including multipartner trust funds.** The Peacebuilding Fund uses a gender marker system adopted in 2009 and based on the 0 to 3 scoring system pioneered by UNDP. A score of 2 means that projects have gender equality as a "significant" objective and a score of 3 means that projects have gender equality as a "principal" objective. In 2011, projects that scored a 2 were allocated 78 per cent of funding — up significantly from 39 per cent in 2010; and projects that scored a 3 received 11 per cent, compared to 5 per cent in 2010. The United Nations Peace Fund for Nepal provides another example of gender marker use: as of June 2012, 22 per cent of projects addressed gender equality and/or the empowerment of women, representing 9 per cent of the total budget allocation.

40. In 2010, I reported on progress in setting United Nations standards for women's engagement in post-conflict economic recovery programming. While piecemeal, there are some results at the local level. UNRWA continues to provide an excellent example of good practice in this area. In Gaza, 31 per cent of beneficiaries participating in an UNRWA job creation programme are women. In the West Bank, women's participation in this project has reached 41 per cent. In Liberia, UN-Women has been piloting the establishment of village savings and loan associations. The Central Bank of Liberia now recognizes these women's village savings and loan associations as a viable means of improving financial services for rural women and has invited the associations to apply for capital investments from the Central Bank of Liberia at low interest rates. In Iraq, UNDP and partners are working with the Government of Iraq to ensure the equal inclusion of women business representatives in an initiative to professionalize and build the Iraqi private sector.

Box 15

**Indicator: Percentage of benefits from temporary employment in the context of early economic recovery programmes received by women and girls.** While no global information is available yet, initial reporting from Burundi, Haiti and Somalia show that, as of mid-2012, women constituted 39 per cent of the total of 42,957 participants in emergency and short-term employment programmes in these countries.

41. Investing in women's economic capacities and employment is not only important to women's own empowerment but also key to long-term peace and recovery. A 2012 study on the impact of women's engagement in economic recovery indicates a positive statistical relationship between female employment and increases in family and community welfare in post-conflict contexts, particularly when women have access to less vulnerable jobs.[9] However, it also notes that women-targeted economic interventions continue to be largely clustered around support to engagement in the informal economy and do not permit a significant shift in their rate of market engagement. Constraints on women's access to and ownership of land and property also pose serious obstacles to their economic empowerment. These constraints can be exacerbated by a lack of education and skills, leaving women and girls vulnerable to exploitation, a problem that UNICEF is addressing through its global education and peacebuilding programmes, supported by the Government of the Netherlands. Increasing the number of "women frontline service delivery agents" in the areas of water, health, education, registration services and agriculture is another strategy for supporting women's economic recovery, and a method of improving household and community recovery. In Rwanda, UNDP, UN-Women and partners are supporting women's employment as agricultural extension service providers. This has increased the productivity of women farmers. In Kenya and Timor-Leste, the World Bank and the overseas aid programme of the Government of Australia have promoted the inclusion of women in water management bodies and their training as water utility agents. I have asked UNDP and UN-Women, with other relevant partners, to collaborate on gender mainstreaming in economic recovery, with particular attention to improving systematic reporting and supporting national capacity to recruit women as frontline service providers.

42. Although the majority of disarmament, demobilization and reintegration programmes continue to lack robust social components necessary for the effective reintegration of male and female ex-combatants and supporters into their communities, some good practices were reported over the past year, signalling increased commitment to gender issues. In Nepal, the United Nations inter-agency rehabilitation programme (2010-2012) supported 428 women ex-combatants to undergo various training to help them transition from army to civilian life. Over half of those women gained employment or started their own businesses.

[9] UN-Women, *Women working for Recovery: the Impact of Female Employment on Family and Community Welfare after Conflict* (New York, forthcoming 2012).

Box 16

**Indicator: Percentage of benefits from disarmament, demobilization and reintegration programmes received by women and girls.** In 2011, women represented about 7,000 out of a total of 36,176 participants (20 per cent) in United Nations-supported disarmament, demobilization and reintegration programmes, which included reinsertion, socioeconomic reintegration and employment support and vocational and microenterprise training. The percentage of female beneficiaries differs between countries and programmes, ranging from 47 per cent in Burundi and 34 per cent in Nepal to 13 per cent in the Sudan.

43. Greater efforts are needed in the coming year to increase the level of prosecution of sexual and gender-based violence crimes and address weaknesses in justice systems. My 2011 report on the rule of law and transitional justice in conflict and post-conflict societies (S/2011/634) emphasized the need to support national reparations programmes, which have particular importance for women in post-conflict situations. The Human Rights Council has appointed the first Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence. I expect the new mandate to pay particular attention to the rights of women in transitional justice processes.

44. In the follow-up to the closing of the first case of the International Criminal Court with the sentencing of Thomas Lubanga in July 2012, the reparations order issued by the Court notes the need for specific attention to be paid to the needs of survivors of sexual and gender-based crimes and lays out innovative recommendations to overcome administrative obstacles faced by women, such as the possession of formal identification documents. In December 2011, the Supreme Court of Colombia issued an important ruling mandating reparations for the unlawful recruitment of children into armed groups. The ruling stated that reparations include monetary compensation and medical and psychological care, that additional compensation be paid to girls, now young women, who were affiliated with fighting forces and that sexual violence crimes should be specifically investigated.

45. In line with my commitment outlined in my previous report, gender experts supported the commissions of inquiry formed by the United Nations in Côte d'Ivoire, Libya and the Syrian Arab Republic to investigate human rights abuses against women. In Libya, the commission of inquiry concluded that sexual violence played a significant role in provoking fear, and developed recommendations to address that issue. To ensure the availability of rapidly deployable experts for such bodies, UN-Women is organizing training in partnership with Justice Rapid Response and the Institute for International Criminal Investigations to increase the pool of trained investigation experts on sexual and gender-based violence.

46. National truth commissions and other transitional justice mechanisms continue to require support from gender experts to ensure women's experiences of conflict are fully documented and contribute to full accountability.

Box 17

**Indicator: Extent to which truth and reconciliation commissions include provisions in their mandates to address the rights and participation of women and girls.** From 2004 to 2012, 12 truth commissions were established.[a] Of those, only 3 (25 per cent) explicitly included provisions on sexual and gender-based violence crimes in their mandates. One called for dedicated gender and children's experts to be part of the commission (Liberia) and another for a special services unit to include gender issues (Kenya). Of the 7 commissions among the 12 with publicly available outcome reports, 5 (71 per cent) included gender-specific recommendations. On the 10 commissions opened between 2000 and 2003, 23 per cent of the commissioners on average were women, while on the 12 opened since 2004, 28 per cent of the commissioners were women.

[a] In Paraguay (2004), Morocco (2004), Liberia (2006), Ecuador (2007), Mauritius (2009), Solomon Islands (2009), Togo (2009), Kenya (2009), Canada (2009), Honduras (2010), Côte d'Ivoire (2011) and Brazil (2011/12). The year 2004 is used as the baseline as it was the first year in which a report of the Secretary-General on the rule of law and transitional justice (S/2004/616) provided agreed definitions and guidance in the area of transitional justice and the first recommendations for the United Nations on women's access to justice through those mechanisms.

47. International assistance for relief and recovery work is essential in supporting countries to break the cycle of violence and lay the foundations for just and sustainable peace. In allocating assistance the international community has a responsibility, and a pragmatic imperative, to ensure that that assistance benefits women, girls, boys and men equally. For its part, the United Nations must manage mission transitions to ensure sustained financing and attention to women's rights and gender equality, with a particular focus on increasing the attention given to women's economic recovery needs and access to basic services.

## III. Advancing gender-responsive resolution and prevention of armed conflict

48. In its presidential statement adopted in connection with the open debate on "Women's participation and role in conflict prevention and mediation" (S/PRST/2011/20), the Security Council, inter alia, encouraged Member States and international and regional organizations to take measures to increase the numbers of women involved in mediation efforts and in representative roles in regional and international organizations. The Council stressed the importance of creating enabling conditions for women's participation during all stages of peace processes and of countering negative societal attitudes regarding full and equal participation of women in conflict resolution and mediation. The Council underlined the importance of the participation of women in international dialogues, contact groups, engagement conferences and donor conferences in support of conflict resolution. It reiterated the need to support, as appropriate, local women's peace initiatives.

49. Mediation and conflict prevention are at the core of the United Nations mandate and are key priorities in the action plan of my second term. In my recent report on strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution (A/66/811), which outlines recent developments, trends and challenges in mediation today, I emphasized that more determination and consistent efforts are needed to ensure that all mediation efforts adhere to normative frameworks such as resolution 1325 (2000). In contributions to the report, a number of Member States emphasized that particular attention must be given to the role of women in mediation processes (see A/66/811, annex II). It is expected that new guidance and tools on gender and mediation, such as the Guidance for Mediators on Addressing Conflict-Related Sexual Violence in Ceasefire and Peace Agreements,[10] and concrete commitments on gender and mediation in the United Nations Guidance for Effective Mediation and in implementation frameworks such as the seven-point action plan for gender-responsive peacebuilding will contribute to renewed action.

50. One of the lessons learned is the importance of raising gender-specific issues early on — from the onset of the conflict analysis phase and the earliest moments of peace negotiations. This can help ensure that provisions related to gender equality are included in peace accords. While such references in themselves cannot ensure that gender equality or women's rights are promoted subsequently, they can create strategic entry points for future action. Analysis of past peace agreements shows, however, that gender-specific references often are worded in general terms and limited to the preamble or annexes. Specific provisions on issues such as sexual violence, inclusive power and wealth sharing, and representation of women on implementing bodies almost never appear in the text of a peace agreement. There are noteworthy exceptions. For example, in 2011, the combination of strong gender analysis, active efforts by my Special Adviser on Yemen and close engagement with women leaders and groups resulted in the inclusion of gender-specific commitments in the Yemen Transition Agreement. Also in 2011, the Somalia Road Map requested a quota for women's representation in transitional bodies and in the implementation of the road map.

51. A range of measures can help increase women's representation in peace processes, such as investments in mediation capacity-building for women leaders and provision of special security and childcare arrangements for participants. Alongside formal negotiations, women's rights groups and activists seek to voice women's concerns and priorities. It is critical to support those efforts and provide specific resources for women civil society leaders and women's organizations, such as capacity-building in leadership, conflict analysis, and negotiation and communication skills.

52. The Department of Political Affairs-UN-Women Joint Strategy on Gender and Mediation seeks to elevate the participation of women in United Nations mediation efforts, to deploy and to build capacity to address gender issues in peace processes, and to strengthen the capacities of women's civil society organizations and their leaders to engage in conflict resolution. For example, it has supported training for mediation experts, political officers and gender experts on gender issues in peace processes, and strengthened coalition-building and information-sharing among

[10] Available at www.un.org/wcm/content/site/undpa/main/issues/sexual_violence.

women's peacebuilding organizations.[11] Results have already been recorded from conflict prevention and mediation training provided to around 200 women leaders from the Balkans, Central and South Asia and West Africa over the past year. For example, Malian participants travelled in April 2012 to the Ouagadougou talks in Burkina Faso, where they raised awareness of the conflict-related sexual violence occurring in northern Mali and ensured that it was mentioned in the subsequent declaration.

53. Many mediation and conflict prevention efforts take place at the subnational and local levels. In those efforts women often play a critical role. In Timor-Leste, for example, the UNDP conflict prevention initiative, with national and international development partners, supported the Government in establishing a cadre of community mediators to be absorbed into the newly created Department of Peacebuilding and Social Cohesion, of whom 50 per cent are women. Those mediators were deployed to assist with local land conflicts and in communities targeted for the resettlement of internally displaced persons. Another example is the all-women contingent of the civilian protection component of the international monitoring team in Mindanao, the Philippines, monitoring ceasefire compliance and agreements between the Government of the Philippines and the Moro Islamic Liberation Front. Through regular patrols and community visits and reporting, the all-women contingent performs a critical early warning function. The work of the women's peace committees in Kyrgyzstan in leading people-to-people diplomacy, monitoring and reporting tensions and violations of women's human rights is another often-cited good example of the role that women can plan in mediation and conflict prevention.

54. Insufficient attention has been given to scaling up women's community initiatives to the national level and improving women's access to national or international dialogue or mediation processes. One of the most constructive investments for enhancing the reach, visibility and sustainability of such efforts is to support capacity-building of women's peace organizations.

55. A crucial form of support is to systematically invite women to participate in conflict resolution and peacebuilding efforts. Delegations of women are often asked to participate in peace talks, international engagement and donor conferences at the last minute and they do not have the same opportunities for preparation as other delegates. In 2011, women civil society representatives took part in three of four international donor and strategy conferences, on the Central African Republic, Afghanistan and South Sudan. At the South Sudan conference in Washington, D.C., women's participation was supported through a two-day "gender symposium" in the lead-up to the conference that was opened and attended by senior officials of the Government of the United States and South Sudan. The delegation presented a statement of priorities to the conference plenary, resulting in greater attention being given in the conference proceedings to funding women's needs. That involvement serves as good practice for national and international actors in engaging women's groups in international decision-making. Attention to women's needs in the conferences must be followed up by attention to women's needs in the recovery and peacebuilding processes themselves.

[11] See the online UN-Women database of women's peacebuilding organizations: https://peaceorganizations.unwomen.org/.

56. Involving women's organizations from the early stages when conflict resolution and peacebuilding efforts are planned will help build their capacities to engage effectively and to learning through their exposure to those processes. I urge Member States and international and regional organizations to bear this in mind when supporting peace efforts or when planning international engagement processes.

# IV. Observations and recommendations

57. Important strides have been made in the past year in promoting women's rights in conflict prevention, resolution and peacebuilding. The number of Member States and regional organizations with a dedicated implementation framework, strategy and/or coordination mechanisms in place has continued to grow. Investments in building the capacity of civilian and uniformed staff and improving the guidance, training and availability of technical gender experts to support fact-finding and assessment missions, mediation, negotiation, programme design and implementation and planning processes, investigations and commissions of inquiry are showing results. Early warning mechanisms have increased their capacity to detect and report threats to women and girls.

58. While distinct achievements have been made at the country level, I remain concerned about the continued slow progress in women's participation and representation in peace talks, in the inclusion of provisions for promoting women's and girls' rights in peace agreements and in increasing women's representation in elected and appointed posts; the persistence of serious protection gaps, obstacles to women's and girl's access to justice and signs of the weakening of women's rights in some contexts; and the slow change in the share of budgets allocated to women's empowerment and gender equality in post-conflict contexts. To ensure more robust progress across the whole women and peace and security agenda in the coming year the following three areas require action.

## A. Consistency in the implementation of international norms and standards on the human rights of women and girls in all efforts to prevent and resolve conflict and build peace

59. Consistent and visible commitment and advocacy by national, regional and international leadership is needed to promote, ensure respect for and uphold international norms and standards on women's participation and the human rights of women and girls in all efforts to prevent and resolve conflict and build peace.

60. Requests for specific information on the situation of women and girls in country and thematic reports and oral briefings by senior officials and envoys — and questioning any lack thereof — and engaging in dialogue and exchange with women's civil society leaders, including through Arria Formula meetings or the Council's field missions, are essential ways in which the Council can demonstrate committed leadership and ensure it receives relevant information. I commend the increasing inclusion of explicit references to women and peace and security commitments across the Security Council's actions, including specific instructions on promoting the rights, protection and empowerment of women and, recently, support for the development of civil society in a growing number of mission mandates. **I encourage the Council to consistently continue this practice and**

**ensure that all country-specific and thematic decisions and the establishment of or renewal of mission mandates are reviewed from the perspective of their impact on the empowerment and human rights of women and girls, and that related instructions are included in mandates.**

61. It is essential to ensure sustainability and consolidate gains made in the promotion of women's and girls' rights and empowerment in transitions from peacekeeping to peacebuilding and development. There is some concern that mission drawdown can be associated with a drop in levels of funding and attention to gender equality commitments, and an erosion in levels of security and protection for women and girls. **I call on Member States and regional organizations to explore means to ensure the continued implementation of resolutions on women and peace and security within the framework of mission drawdown and transitions. I urge Member States and regional organizations to acknowledge and support the role women's organizations can play in informing transitional processes. I ask relevant United Nations entities to closely review these situations and plan for the handover of crucial tasks and responsibilities with regard to the human rights of women and girls, and gender expertise to ensure that there is no erosion in the level of attention and to action on these issues.**

62. Consistency is also needed on the part of the international community and leaders in ensuring regular consultations with and systematically inviting women civil society leaders and women's organizations to participate in conflict resolution and peacebuilding efforts, including peace talks, international engagement conferences, contact groups and groups of friends, peace negotiations, national dialogues, donor conferences and other forums created or supported by international and regional organizations, and groups of Member States. **I call upon the international community, regional organizations and Member States to consult with women's civil society organizations early in conflict resolution and peacebuilding endeavours, to provide them with information about conflict resolution processes and to create opportunities for them to participate in a range of roles (as observers and advisers, and in civil society delegations) in conflict resolution and peacebuilding forums. Women's civil society organizations should be supported to participate in peace accord implementation mechanisms, as well as all peacebuilding planning and decision-making processes.**

63. **I call upon my envoys and mediators, and my senior representatives in mission contexts, to consult with women leaders and women's organizations, as well as with women and girls from affected communities, early in peace processes, to set up regular consultations with them, and to encourage and, where appropriate, support negotiating parties to establish forums to enable civil society actors to engage in peace processes.**

64. The growing attention to women and peace and security by international, regional and national human rights mechanisms is welcome and can contribute in significant ways to accelerated implementation of related commitments at the national level. **I call upon Member States to follow up on recommendations put forward by such mechanisms. In particular, in terms of United Nations human rights mechanisms, close cooperation with and full implementation of recommendations issued by the United Nations treaty bodies, special procedures and other mechanisms of the Human Rights Council, including the universal periodic review process, is critical.**

## B. Determination in addressing challenges to women's and girls' participation and representation

65. The present report shows that considerable obstacles persist to women's participation and representation in public decision-making in relation to peace and transition processes.

66. I remain fully committed to increasing women's participation and representation in conflict resolution and prevention efforts supported by the Organization. As noted above, there has been progress in increasing the number of women on the roster of mediation experts managed by the Mediation Support Unit, and the number of women among my special representatives and deputy representatives has continued to grow. Many of these women have important mediation or facilitation roles, for example in the Central African Republic, Cyprus and Malawi. Efforts will be made to meet the agreed target of appointing a woman chief mediator to a United Nations-supported peace process. **I encourage Member States and regional organizations that support peace processes to lead by example and appoint more women as mediators, co-mediators and advisers to mediation processes.**

67. I am concerned about the decrease in women's share of Director-level positions in United Nations missions. **I will instruct the relevant United Nations entities to review this situation and provide specific recommendations in consultation with UN-Women.**

68. In relation to post-conflict elections, I call for the application of the full range of measures available to encourage women's participation as voters and candidates. **I call on all Member States and United Nations entities supporting post-conflict elections to continue their efforts to address the gender dimension in all phases of electoral processes. Specific attention must be paid to women's security prior to and during elections. National authorities should consider and adopt different measures, such as temporary special measures, which can be used to increase levels of women's participation as candidates and voters.**

69. Lack of security for women and girls continues to be a major factor inhibiting women's participation in decision-making in conflict and post-conflict settings. **Women human rights defenders are often particularly targeted in situations of conflict. I call upon the Security Council and other relevant bodies to pay especially vigilant attention to ensuring their protection.**

70. The present report demonstrates the importance of gender analysis for ensuring that the human rights and needs of women and girls are addressed in conflict prevention, resolution and recovery efforts. Gender experts can help ensure that a more integrated approach is applied to promoting and protecting the rights of women and girls, including through broadening the traditional framework of analysis to look at longitudinal investments, for example, investment in primary and secondary education for girls so that they are well positioned to take on future leadership roles in their communities and societies. Gender experts can also help ensure that special attention is paid to the rights and needs of vulnerable populations, such as female-headed households, internally displaced women and girls, war widows and women and girls with disabilities. **I urge United Nations entities to embed dedicated sector-specific gender expertise in post-conflict recovery programmes, for instance within the sectors of security, justice, governance, public administration, economic recovery and social services. I**

**strongly encourage Member States to ensure the gender-responsiveness of transitional justice mechanisms, including, at a minimum, targeted outreach to women and girl victims of violence, specific measures to protect women and girl witnesses, reparation programmes which benefit women and girls, and explicit references to sexual and gender-based violence in the mandates of transitional justice actors. I shall continue to offer gender expertise to negotiation teams, commissions of inquiry and related investigative bodies.**

71. To achieve real impact on the lives of women and girls, interventions require sustained long-term engagement backed by sufficient human and financial resources. The present report has highlighted the vital contributions by women's civil society organizations to conflict prevention, resolution and peacebuilding. However, there is a continued paucity of resources for the development and capacity-building of women's organizations. **I call on the international community to increase the funding and in-kind assistance available to women's organizations during and after conflict to enable them to engage in conflict prevention, resolution and peacebuilding initiatives. I encourage Member States and partners, including the private sector, to establish country-specific or regional funding mechanisms, including trust funds, that target resources to the capacity development of women's organizations and to initiatives implemented by them.**

## C. Continued improvement of tracking and accountability systems for the implementation of women and peace and security commitments

72. Tracking the implementation of the Security Council's resolutions on women and peace and security requires investment in mechanisms to exchange information, collect data and review and report on progress. Improving the collection and analysis of sex- and age-disaggregated data can contribute to accelerated implementation of the resolutions, improved coordination and the identification of areas that may need further attention.

73. One third of existing national action plans on women and peace and security are scheduled for review or renewal in the coming year. This presents a major opportunity for sharing good practices and identifying constraints to national implementation of the resolutions on women and peace and security. **I have requested that UN-Women, in partnership with Member States, regional organizations, United Nations entities and civil society organizations supporting the development and implementation of national action plans, conduct a review of national implementation of commitments on women and peace and security, taking into account initiatives to promote implementation at the subnational and regional levels, as well as efforts to integrate commitments on women and peace and security into legislation and policymaking and planning processes.**

74. A growing number of regional security institutions are adopting action plans or strategies in support of the implementation of resolutions on women and peace and security and I note with appreciation that initiatives are under way to establish frameworks for the regular review and monitoring of their implementation at the regional level. **I encourage regional security institutions both to continue strengthening operational tools (guidance, checklists, tracking frameworks, the**

**setting of clear targets and timelines, and the establishment of baselines) and to reinvigorate political commitment, determination and conviction at the very highest levels.**

75 **I have asked United Nations entities to increase coordination in the development of adequate and flexible gender-responsive monitoring and tracking systems, so that those systems are relevant at the country level, but can be reported on at the global level, including budget gender marker systems.** Particular attention should be paid to ensuring the collection and analysis of sex- and age-disaggregated data, particularly in United Nations-supported initiatives in the areas of short-term emergency employment, economic recovery and infrastructure investments, social service provision, including education and health services, mediation, negotiation, national dialogue and electoral processes, security sector reform, access to justice, and disarmament, demobilization and reintegration.

United Nations S/2012/733

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# Letter dated 1 October 2012 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

I have the honour to enclose herewith, the agreements reached between the Government of the Republic of the Sudan and the Government of the Republic of South Sudan in Addis Ababa on 27 September 2012:

Agreement on Oil and Related Economic Matters;

Agreement on Trade and Trade Related Issues;

Agreement on Border Issues;

Framework Agreement to Facilitate Payment of Post-Service Benefits;

Framework Agreement on the Status of Nationals of the Other State and Related Matters;

Agreement on a Framework for Cooperation on Central Banking Issues;

Agreement on Certain Economic Matters;

Agreement on Security Arrangements.

You are kindly requested to circulate this letter and its annex as documents of the Security Council.

(*Signed*) Daffa-Alla Elhag Ali **Osman**
Permanent Representative

12-53840 (E) 091112

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**Annex to the letter dated 1 October 2012 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council**

# Agreement between the Government of the Republic of South Sudan and the Government of the Republic of the Sudan on Oil and Related Economic Matters

**Addis Ababa, 27 September 2012**

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**Preamble:**

***Affirming*** **their commitment to promoting the future stability and economic viability of both States;**

***Mindful*** **of the mutual interest of both States to cooperate between themselves and with their neighbours on the basis of respect for each other's sovereignty, territorial integrity and common pursuit of sustainable development and mutual benefit in accordance with international law;**

***Acknowledging*** **the importance of carrying out oil-related operations with due diligence and efficiency and in accordance with international practice and the key role that oil revenues play with respect to their respective economies;**

***Recognizing*** **the reality of interdependence and shared interest in the oil sector;**

***Convinced*** **that they should reach decisions with the above reality in mind and with a view to promoting the economic welfare and well-being of the peoples of the two States;**

**The Parties hereby agree as follows:**

## 1. DEFINITIONS

**"Agreement" shall mean this Agreement concerning oil and related economic matters.**

**"GoRSS" shall mean the Government of the Republic of South Sudan.**

**"GoS" shall mean the Government of the Republic of the Sudan.**

**"Oil Entitlement Volumes" shall mean such oil volumes that a party to an exploration and production sharing agreement is entitled to receive thereunder.**

**"Parties" shall mean the GoRSS and the GoS.**

**"Petroleum Monitoring Committee" shall mean the committee and the subcommittees established in accordance with Article 10.**

**"Processing and Transportation Facilities" shall mean the GNPOC central. processing facility, the GNPOC transportation system, the Petrodar central processing facility and the Petrodar transportation system.**

**"RoS" shall mean the Republic of the Sudan.**

**"RSS" shall mean the Republic of South Sudan.**

**"TFA" shall mean the transitional financial arrangement provided for in Article 4.4.**

## 2. SOVEREIGNTY

**2.1 Each State shall have permanent sovereignty over its natural resources located in or underneath its territory, including petroleum resources.**

**2.2 Each State shall have sovereignty over all petroleum facilities constructed or installed for the petroleum operations within its territory.**

2.3 The Parties agree that the territorial principle applies in the petroleum sectors of both States.

3. ACCESS RIGHTS, DELIVERY AND REDELIVERY

3.1 a. The GoS hereby grants the GoRSS access rights to the Processing and Transportation Facilities for the GoRSS Oil Entitlement Volumes in accordance with this Agreement and the agreements to be developed as provided in sub-Article 3.3 below.

b. The right of access for the crude oil produced in Block 5A shall be subject to quality and capacity constraints of the processing facilities and the transportation system and the Khartoum Refinery.

3.2 The GoRSS Oil Entitlement Volumes delivered at the inlet of the GNPOC processing facilities shall be redelivered at the outlet of the GNPOC transportation system. The GoRSS Oil Entitlement Volumes delivered at the inlet of the Petrodar processing facilities shall be redelivered at the outlet of the Petrodar transportation system. The redelivery obligations shall be subject to applicable quality and quantity adjustments, fuel oil consumption and processing and transportation operational losses.

3.3 a. The Parties shall develop processing agreements for the processing of the GoRSS Oil Entitlement Volumes in the GNPOC and Petrodar processing facilities and transportation agreements for the transportation in the GNPOC and Petrodar transportation systems. The agreements shall be compatible with the existing processing and transportation procedures and practices in these facilities and consistent with this Agreement. The Parties shall aim to conclude the agreements within one (1) month after the signing of this Agreement, unless otherwise agreed.

b. The resumption of oil production, processing and transportation as provided for in Article 15 shall not be dependent upon the conclusion of agreements under sub-Article 3.3 a above. Until such processing and transportation agreements have been concluded, existing practices based on the relevant technical provisions as contained in the relevant Crude Oil Transportation Agreements shall apply unless otherwise provided for in this Agreement.

3.4 The Parties shall take all necessary actions to implement the provisions of this Article and other relevant provisions of this Agreement with the relevant operating companies.

3.5 The GoRSS shall provide their proportionate share of the linefill for the Petrodar and GNPOC transportation systems. At the expiry of this Agreement, this share of the linefill shall be redelivered to the GoRSS at the marine terminal.

3.6 If oil production in the RSS should become technically or economically non-sustainable, the GoRSS shall send written notice to the GoS at least sixty (60) days prior to the estimated suspension of deliveries. Following consultation with the GoS, the GoRSS may suspend deliveries of the GoRSS Oil Entitlement Volumes under this Agreement from those fields where such non-sustainability exists.

3.7 If the operation of the Processing and Transportation Facilities should become technically or economically non-sustainable, the GoS shall send written notice to the GoRSS at least sixty (60) days prior to the estimated suspension of deliveries. Following consultation with the GoRSS, the GoS may suspend the operation of those facilities where such non-sustainability exists.

4. FINANCIAL ARRANGEMENTS

4.1 Processing fees

4.1.1 The GoRSS shall pay to the GoS a processing fee of one United States dollar and sixty cents per barrel (USD 1.60/bbl) for the GoRSS Oil Entitlement Volumes for processing services in the GNPOC processing facilities.

4.1.2 The GoRSS shall pay to the GoS a processing fee of one United States dollar and sixty cents per barrel (USD 1.60/bbl) for the GoRSS Oil Entitlement Volumes for processing services in the Petrodar processing facilities.

4.2 Transportation fees

4.2.1 The GoRSS shall pay to the GoS a transportation tariff of eight United States dollars and forty cents per barrel (USD 8.40/bbl) for the GoRSS Oil Entitlement Volumes for transportation services in the GNPOC transportation facilities.

4.2.2 The GoRSS shall pay to the GoS a transportation tariff of six United States dollars and fifty cents per barrel (USD 6.50/bbl) for the GoRSS Oil Entitlement Volumes for transportation services in the Petrodar transportation facilities.

4.3 Transit fee

4.3.1 Whereas, during negotiations, the GoS had first indicated a transit fee of USD 6.00/bbl for the foreign transporters of oil through its territory, the GoS has now set that fee at USD 4.00/bbl; and whereas the GoRSS initially indicated that a transit fee of USD 0.63/0.69/bbl would be appropriate but at the end of the negotiations in August 2012 had considered that it would be reasonable that the GoS grants free transit for all the oil produced in the RSS; neither Party has endorsed, or should be regarded as having endorsed, any of the fees quoted or positions taken by the other Party.

However, in view of the special relationship between the RSS and the RoS, the Parties have agreed that the transit fee for the GoRSS Oil Entitlement Volumes shall be one United States dollar (USD 1.00/bbl). This special fee shall not serve as a precedent, nor shall it have any implication for, or prejudice, any arrangements between either State and any third party. Accordingly, nothing in this paragraph, or in any other part of this Agreement, shall be understood to be the GoRSS's consent — express or implied — to the GoS levying of a transit fee of any value on entitlements other than those of the GoRSS. It is for the GoS to agree with foreign transporters on whatever transit fee it deems fit.

4.4 TFA

4.4.1 The GoRSS shall transfer to the GoS a finite sum of three billion and twenty eight million United States dollars (USD 3.028 billion), as a transitional financial arrangement, which the GoRSS will pay in accordance with the payment procedures in Article 5 below, on the basis of a rate of fifteen United States dollars per barrel (USD 15.00/bbl).

4.4.2 In case the finite sum of the TFA as provided in sub-Article 4.4.1 above, by the way of payment provided for in Article 5, has not been fully paid sixty (60) days prior to the expiry of the term of this Agreement as provided in Article 22, the outstanding balance shall be paid within thirty (30) days prior to the date of expiry.

5. PAYMENT PROCEDURES

5.1 All payments from the GoRSS to the GoS for processing fees, transportation tariffs, transit fees and TFA transfers shall be based on the oil volumes redelivered to the GoRSS and lifted at the marine terminal on board vessels at Port Sudan as specified in the respective bills of lading.

5.2 The GoS shall issue two separate invoices, one for processing fees, transportation tariffs and transit fees, and another for TFA, each time the GoRSS Oil Entitlement Volumes have been finally redelivered and lifted at the marine terminal and a bill of lading has been issued. Payment shall be made by the GoRSS within forty (40) days from the date of the bill of lading.

5.3 The GoRSS shall make payment of the invoice amounts due through the Central Bank of South Sudan to such account(s) of the GoS as the Central Bank of Sudan may specify in writing from time to time. Payment shall be made by wire transfer. The GoRSS shall give notice to the GoS by facsimile or other electronic transmission immediately when payment has been made.

5.4 The invoices will be in United. States dollars, but the GoS shall have the right to request payment in equivalent euro or pound sterling or in any other convertible currency. The rate of exchange to be applied for the conversion of United States dollars to the currency of payment shall be the spot rate posted on Reuters or an equivalent service by the Bank of England at or around 12:00 noon GMT on the date the payment is made. The GoS shall bear the costs of the payment transfer and the currency conversion.

5.5 Processing fees, transportation tariffs, transit fees and TFA payments shall be paid in cash by the GoRSS.

5.6 The GoS may receive payments for processing fees, transportation tariffs, transit fees and TFA payments in kind upon its request and with the prior written consent of the GoRSS.

6. SPECIFIC RIGHTS AND UNDERTAKINGS

6.1 Specific rights and undertakings of the GoS

6.1.1 If the GoRSS fails to pay all or any part of the amount of any invoice for processing fees, transportation tariffs, transit fees or TFA payments, as herein provided, when such amount is due, the GoS shall issue a default notice to the

GoRSS, and the GoRSS shall remedy the default within fifteen (15) working days from the date of receipt of the default notice. If the GoRSS fails to remedy the default within the said fifteen (15) days, then liquidated damages of two (2) % per annum above London Interbank Offered Rate (LIBOR) shall accrue on the unpaid amount from the date of expiry of the remedy period given under the default notice until the date of actual payment.

6.1.2 In the event that the GoRSS fails to remedy the defaulted amount plus the liquidated damages charged as provided above, the GoS shall have the right (right of lien) to sell at international market price FOB Port Sudan such quantity of the GoRSS's Oil Entitlement Volumes as shall be sufficient to pay such defaulted amount.

6.1.3 In the event that any amount realized by the GoS from the sale of the GoRSS Oil Entitlement Volumes is in excess of the indebtedness and liquidated damages owing by the GoRSS under this Agreement, the GoS shall promptly return to the GoRSS the excess amount. In the event that the GoS fails to return the excess amount, the GoRSS shall have the light to deduct the amount from the next payment due to the GoS.

6.1.4 In addition to the exercise of the right of lien as provided in sub-Article 6.1.2, the GoS reserves the right to suspend processing and transporting the GoRSS Oil Entitlement Volumes until such time as the indebtedness is paid. Any suspension of processing and transportation services for the GoRSS shall remain in effect until the GoRSS has remedied the default or until the indebtedness of the GoRSS under this Agreement has been fully satisfied.

6.1.5 If after suspension of the processing and transportation system the GoRSS still failed to pay the amount which fell due and a period of sixty (60) days has elapsed since the suspension of the processing and transportation services, the GoS reserves the right to shut down the processing and transportation system until such time as the indebtedness is paid, upon seven (7) working days' prior written notice.

6.1.6 The GoS shall have the right to terminate this Agreement, upon seven (7) working days' prior written notice, for any one of the following reasons:

a. If the shutdown of the processing and transportation facilities continues for more than sixty (60) days and the GoRSS has failed to remedy the default.

b. If the GoRSS commits a material breach to this Agreement and such breach is not remedied within sixty (60) days from the date of a notice issued by the GoS to the GoRSS to remedy the breach.

6.1.7 The GoS undertakes to the GoRSS that it shall enter into its own agreements with the relevant operating companies with regard to the transfer to these companies of any financial obligations due to them relating to the processing and transportation of the GoRSS Oil Entitlement Volumes in the processing and transportation facilities.

6.1.8 The GoS hereby guarantees that no third party shall charge the GoRSS for any amounts due for processing and transportation services stipulated in this Agreement.

6.1.9 The GoRSS shall indemnify and hold harmless the GoS from and against any liability, loss or damage, including litigation expenses, court costs and attorneys' fees, suffered by the GoS, arising directly or indirectly out of any demand, claim, action, cause of action or suit brought by any person asserting damage to installations or financial loss due to a shutdown of the processing and transportation facilities ordered by the GoS for material breach of this agreement or failure of the GoRSS to pay any amount under this Agreement when it falls due.

6.1.10 The GoS undertakes that no other charges, taxes, imposts or other duties shall be levied on the processing and transportation services for the GoRSS Oil Entitlement Volumes unless expressly provided for in this Agreement.

6.1.11 The GoS confirms that this Agreement prevails over the Act of the RoS entitled "Amendment to the Petroleum Transit and Services Fees Act 2011", and that it shall not enforce the provisions of this Act against the GoRSS.

6.2 Specific rights and undertakings of the GoRSS

6.2.1 In case the processing, transportation and export of the GoRSS Oil Entitlement Volumes has been interrupted or curtailed due to material breach of this Agreement by the GoS, the TFA amount that would otherwise have been due under Article 4 related to the time period of such material breach shall be suspended until the breach is rectified.

6.2.2 In case suspension in accordance with sub-Article 6.2.1 has continued for more than sixty (60) consecutive days, and the GoS has not remedied the material breach within this period, the GoRSS shall thereafter have the right to terminate this Agreement upon seven (7) working days' prior written notice.

6.2.3 The GoS shall indemnify and hold harmless the GoRSS from and against any liability, loss or damage, including litigation expenses, court costs and attorneys' fees, suffered by the GoRSS, arising directly or indirectly out of any demand, claim, action, cause of action or suit brought by any person asserting any damage or financial loss arising out of the failure by the GoS to pay or discharge financial obligations on behalf of the GoRSS to operating companies in respect of charges for processing and transportation through facilities in the RoS, or due to a shutdown of the processing and transportation facilities ordered by the GoS in material breach of this Agreement.

6.3 Continuing obligations

6.3.1 Suspension or termination shall not relieve the party in breach from fulfilling any financial payments under this Agreement that have accrued up to the date of termination, including any claims or damages.

7. METERING

7.1 The Parties shall together with the operating companies review and ensure that effective metering facilities necessary to carry through the payment obligations and other provisions of this Agreement are installed in the RSS and the RoS and in operation prior to the resumption of oil production in the RSS.

7.2 The Parties shall together with the operating companies review whether additional or new metering facilities should be installed in order to be compliant with international standards. To the extent that additional metering facilities are required to this effect, the relevant Party shall instruct the relevant operating company to install such facilities. The investment costs for such additional or new metering facilities shall, unless otherwise agreed, be covered by the Party requesting them, and the facilities shall be owned by such Party. The Parties shall agree on the details for the technical implementation of the above.

7.3 The Petroleum Monitoring Committee shall ensure that all metering facilities are regularly tested and calibrated by an independent third party and that proper maintenance and any necessary repairs are carried out.

## 8. QUALITY ADJUSTMENT PROCEDURES

8.1 The Parties and the operating companies shall, within forty-five (45) days from the signature of this Agreement, review and adopt quality adjustment procedures in accordance with international practice to ensure that appropriate value or volume adjustments are applied to reflect the differences in quality in the crude oil delivered by the users of the GNPOC central processing facility and the GNPOC transportation system into the blended stream in these facilities.

8.2 If the quality adjustment procedures are not adopted within the time limit set forth under sub-Article 8.1, the Petroleum Monitoring Committee shall appoint international experts to assist in developing such procedures within a time limit to be agreed. The procedures that are developed shall be binding upon the Parties.

8.3 Until possible new quality adjustment procedures are adopted, the existing procedures shall apply.

8.4 Each Party shall have access to the results of quality tests of crude oils delivered into the GNPOC central processing facility and the GNPOC transportation system.

8.5 The Petroleum Monitoring Committee shall monitor the application of the quality adjustment procedure provided for in this Article.

## 9. CROSS-BORDER OPERATIONS

9.1 Cross-border movement of personnel and equipment

9.1.1 The Parties shall, in cooperation with the operating companies, enter into agreements to facilitate the movement of personnel, equipment and services across the border between the RSS and the RoS, as well as provide security of personnel, in order to enable efficient oil operations within each State.

9.1.2 The Parties shall together with the operating companies establish a Joint Cross Border Cooperation Committee within twenty-one (21) days after the signing of this Agreement with representatives from each Party and from the operating companies.

9.1.3 The Joint Cross Border Cooperation Committee shall ensure the practical implementation of sub-Article 9.1.1.

9.2 Future cross-border petroleum reservoirs

9.2.1 In the event that a cross-border petroleum reservoir is discovered, the State in which such discovery is identified shall immediately notify the other State in writing.

9.2.2 Upon receipt of such notification, both States shall in good faith discuss the joint appraisal of the discovery. In case it is deemed commercially viable, the two States shall agree on unitization and development of the discovery.

10. MONITORING

10.1 A Petroleum Monitoring Committee shall be established within twenty-one (21) days of the signing of this Agreement. The Petroleum Monitoring Committee shall oversee the implementation of this Agreement, produce regular reports to the Parties including possible recommendations on the impro' 'ment of the cooperation in the petroleum sector, ensure the development of any additional required agreements between the Parties and serve as a forum for seeking resolution to concerns and disputes in respect of this Agreement.

10.2 The Petroleum Monitoring Committee shall consist of two representatives appointed by each Party and a chairperson. The chairperson shall be appointed by the African Union Commission after consultation with the Parties. The chairperson shall not be an individual who has previously worked with or for either of the Parties.

10.3 Decisions of the Petroleum Monitoring Committee shall be by consensus. In the event that the Committee cannot reach consensus, the issue in question shall be referred to the ministers of petroleum of the two States.

10.4 The Petroleum Monitoring Committee shall establish two subcommittees:

a. A technical committee with capacity to monitor operational aspects relevant to petroleum operations in one State which affect the other State.

b. A financial committee with capacity to review the financial issues between the Parties, including the monthly and yearly reports on these issues prepared by the operating companies and by the governments.

10.5 The Petroleum Monitoring Committee may establish any other subcommittees as it deems necessary to carry out its mandate.

10.6 The Parties shall share equally the costs related to the work of the Petroleum Monitoring Committee, with exception of the costs of their own representatives.

10.7 The Petroleum Monitoring Committee shall quarterly, or as often as it deems necessary, review and verify the correctness of the reported exports of the GoRSS Oil Entitlement Volumes from the operating companies and the corresponding invoices prepared by the GoS. To the extent that any incorrect invoicing is identified, this shall be corrected by adjusting the immediate subsequent invoice(s).

11. REPRESENTATIVES

11.1 The GoRSS representatives at metering stations and facilities in the RoS

11.1.1 The GoRSS shall have the right to have two competent representatives at the GNPOC central processing facility and the Petrodar central processing facility, respectively, to monitor the handling of the GoRSS Oil Entitlement Volumes. The representatives shall have full access to the facilities and to all documents relevant for the processing and export of the GoRSS Oil Entitlement Volumes.

11.1.2 The GoRSS shall have the right to have two competent representatives at the marine terminals in Port Sudan to monitor the proper handling of the GoRSS Oil Entitlement Volumes. The representatives shall have full access to the facilities and to all documents relevant for the storage and loading of the GoRSS Oil Entitlement Volumes.

11.1.3 The GoRSS shall have the right to have two competent representatives at each of the pumping stations in the RoS of the GNPOC Transportation System and of the Petrodar Transportation System to monitor the proper handling of GoRSS Oil Entitlement Volumes. The representatives shall have full access to the facilities and to all documents relevant for the transportation of the GoRSS Oil Entitlement Volumes,

11.1.4 The GoRSS shall have the right to have two competent representatives at any metering station in the RoS that is relevant to oil volumes being processed in or transported through the RoS. The representatives shall have full access to the facilities and to all documents relevant for the transportation of the GoRSS Oil Entitlement Volumes.

11.1.5 The appointment of the representatives provided for in this Article is subject to approval by the GoS.

11.2 The GoS representatives at metering stations and facilities in the RSS

11.2.1 The GoS shall have the right to have two competent representatives at any metering station and facility in the RSS that is relevant to oil volumes being processed in or transported through the RoS. With respect to the Petrodar facilities, such representatives shall have access to the field processing facility at Palogue and to relevant metering stations; and with respect to GNPOC, they shall have access to the field processing facilities and metering stations in the RSS. The representatives shall have full access to the facilities and to all documents relevant for the transportation of the GoRSS Oil Entitlement Volumes.

11.2.2 The appointment of the representatives provided for in this Article is subject to approval by the GoRSS.

12. MUTUAL FORGIVENESS OF CLAIMS OF OIL-RELATED ARREARS AND OTHER CLAIMS

12.1 Each Party agrees to unconditionally and irrevocably cancel and forgive any claims of oil-related arrears and other oil-related financial claims outstanding to the other Party up to the date of this Agreement, including the claims of arrears and other financial claims filed by each Party with the African Union

High Level Implementation Panel on Sudan in February 2012. This forgiveness shall not include proceeds of oil related to the shipment of the Ratna Shradha, which are currently held in the London High Court and oil onboard the vessel *ETC ISIS*.

12.2 To that end, each Party acknowledges that there shall be no further liability owed to the other Party in respect of such arrears or other financial claims.

12.3 The Parties agree that the provisions of sub-Article 12.1 shall not serve as a bar to any private claimants and the Parties agree to safeguard the rights, of private claimants and ensure that they have the right of access to the courts, administrative tribunals and agencies of each State for the purpose of realizing the protection of their rights.

12.4 The Parties agree to take such action as may be necessary, including the establishment of joint committees or any other workable mechanisms, to assist and facilitate the pursuance of claims by citizens or other legal persons of either State, subject to the provisions of the applicable laws in each State.

13. OIL ON OIL TANKER AND MONIES WITHHELD

13.1 The GoS shall forthwith sell the GoRSS cargo of crude oil in the *ETC ISIS* vessel and transfer all proceeds to the GoRSS.

13.2 The GoS shall direct funds deposited into the High Court in London related to the GoRSS Oil Entitlement Volumes originally discharged to the vessel *Ratna Shradha* to be released to the GoRSS.

13.3 The GoRSS shall not bring any other claims related to the prior confiscation and diversion of GoRSS Oil Entitlement Volumes, including for the GoRSS Oil Entitlement Volumes previously diverted to the refineries in the RoS, maintained in domestic reserves or otherwise sold.

14. SUDAPET

14.1 As the Parties at the time of signature of this Agreement disagree and reserve their positions with regard to the consequences of the secession of the RSS on Sudapet's participating interests in exploration and production sharing agreements with contract areas located in the RSS, they shall discuss the matter within a period of two (2) months from the signature of this Agreement with the aim to reach an agreement.

15. RESUMPTION OF OIL PRODUCTION, PROCESSING AND TRANSPORTATION

15.1 The GoRSS shall take all necessary measures to resume the production of oil from all fields in the territory of the RSS, and shall within fourteen (14) days of the signature of this Agreement issue an instruction to the oil companies operating in the RSS to re-establish the oil production in the Blocks 1, 2 and 4, and Block 5A, and the Blocks 3 and 7, and transportation through the Petrodar and GNPOC transportation systems. Resumption of production shall take place as soon as technically feasible.

15.2 The GoS shall take all necessary measures to resume the processing and transportation in the RoS of oil produced in the territory of the RSS when resumed, and shall within fourteen (14) days of the signature of this

Agreement issue an instruction to the oil companies operating in the RoS to re-establish both the GNPOC and Petrodar processing facilities and the transportation systems to receive, process and transport such oil. Resumption of the processing and transportation shall take place as soon as technically feasible.

16. FORCE MAJEURE

16.1 Any failure by the Parties in the execution of any of the obligations under this Agreement that is due to a Force Majeure event shall not be considered a breach of the obligation. The Party which cannot fulfil its obligations due to a Force Majeure event shall notify the other thereof and of the details of the Force Majeure event.

16.2 The obligations of the Parties under this Agreement shall be suspended during the time of Force Majeure and the necessary time period thereafter for rectifying any damages caused by the Force Majeure event.

16.3 The Parties shall agree upon the content of a Force Majeure event in the agreements to be developed in accordance with sub-Article 3.3.

17. DATA

17.1 All data, documents and information (including but not limited to geological cores and samples) relevant to the contract areas and petroleum operations in the RSS and in the possession or control of the GoS shall be transferred to the GoRSS and shall be the property of the GoRSS within six (6) months upon the signing of this Agreement unless otherwise agreed.

17.2 The Parties acknowledge that the confidentiality undertakings by the oil companies with the GoS are deemed to have ceased with respect to the contract areas and petroleum operations in RSS at the time of secession.

18. TRANSPARENCY

18.1 The Parties undertake to maintain full mutual transparency of all information relevant to the petroleum activities within the State of one Party that is of relevance for or affects the petroleum activities within the State of the other Party.

19. AUDITS

19.1 The processing and transportation agreements to be developed by the Parties in sub-Article 3.3 above shall provide for audit rights consistent this Article.

19.2 The agreements referred to in sub-Article 19.1 shall include provisions which establish: (1) a right to the GoRSS to appoint an independent auditor to carry out audits of the books, accounts and records of the operating companies; (2) the confidentiality of the audit process; (3) a process for resolving any discrepancies arising out of such audits; and (4) that expenses in connection with such audits shall be borne by the GoRSS.

20. DETAILED AGREEMENTS AND PROCEDURES

20.1 The Patties shall cooperate and assign the necessary technical and legal personnel in order to develop additional agreements and procedures required for the implementation of this Agreement in an efficient manner.

21. OTHER AGREEMENTS

21.1 The Parties may agree on the purchase by the GoS of any GoRSS Oil Entitlement Volumes at terms to be agreed.

21.2 The Parties may agree on the purchase by the GoRSS of refined products from the GoS at terms to be agreed.

21.3 The Parties may agree on the refining of the GoRSS Oil Entitlement Volumes in the refineries in the RoS at terms to be agreed.

22. TERM

22.1 This Agreement shall remain in force for a period of three (3) years and six (6) months as from the date when the first GoRSS Oil Entitlement Volumes have been redelivered and lifted at the marine terminal and a bill of lading has been issued.

23. EXPIRY

23.1 The expiry of this Agreement shall not relieve either Party from any outstanding obligations accrued prior to the date of expiry.

Done in Addis Ababa, this 27th Day of September 2012:

(*Signed*) Idriss Abdel Gadir
On behalf of the Republic of the Sudan

(*Signed*) Pagan Amum Okiech
On behalf of the Republic of South Sudan

Witnessed by:

(*Signed*) Thabo Mvuyelwa Mbeki
Chairperson, African Union High Level Implementation Panel
On behalf of the AUHIP

## Agreement on Trade and Trade Related Issues between the Republic of the Sudan and the Republic of South Sudan

**Addis Ababa, 27 September 2012**

Preamble

*Recognizing* the need for the Republic of the Sudan and the Republic of South Sudan (the two States) to have a clear trade policy with respect to the other;

*Aware of* the range of issues that need to be clarified before special bilateral trade arrangements can be concluded between the Parties; and

*Recognizing* the need for the two States to consider the various alternatives for trade arrangements before settling upon a long-term policy;

The Parties agree as follows:

1. Independent National Trade Policy

(1) Each State shall pursue an independent national trade policy with respect to the other State.

(2) Each State shall review the policy referred to in Article 1.1 periodically to evaluate its success in facilitating trade, and the two States may agree to change or amend this policy as they may deem appropriate.

2. Relevance of Other Obligations to the Policy

(1) Notwithstanding its pursuit of an independent trade policy, each State shall abide by its obligations arising from its membership in any of the following organizations: The World Trade Organization; COMESA; SADC-EAC-COMESA Tripartite Agreement; the IMF; and other similar institutions.

(2) Accordingly, the questions of anti-dumping; Most Favoured Nation (MFN) treatment; and other relevant trade principles, will be applied consistently with the rules of the applicable organization to which each State is a member.

3. Establishment of a Joint Ministerial Committee on Trade Relations

(1) Within thirty (30) days of the ratification of this Agreement, the Parties shall establish a Joint Ministerial Committee on Trade Relations (JMCTR). The JMCTR shall be composed of twelve (12) members, six (6) from each State, and shall be co-chaired by the respective Ministers responsible for trade in each State.

(2) The first meeting of the JMCTR shall take place within forty-five (45) days of the ratification of this Agreement and, thereafter, the JMCTR shall meet periodically at times and locations to be determined by it.

(a) The JMCTR shall adopt rules of procedure for regulating its business.

(b) The costs of meetings of the JMCTR shall be shared equally between the two States.

4. Mandate of the JMCTR

(1) The JMCTR shall have primary responsibility for all policy on trade and trade-related matters between the two States and shall oversee and approve the programme of the work of the Joint Technical Committee on Trade Relations referred to in Article 5 of this Agreement.

(2) The JMCTR shall consider the substantive aspects of trade agreements that are intended to enhance trade relations between the two States, including the desirability of a preferential trade regime, and shall develop a suitable dispute settlement mechanism to deal with trade-related disputes.

(3) In pursuance of the jointly articulated desire to promote trade between the two States at the earliest possible opportunity following the conclusion of this Agreement, the Parties agree that the JMCTR shall give due priority to the preparation of a draft agreement on customs within 90 days of its establishment. It shall consider adopting terms no less favourable than those among the member states of the Common Market for Eastern and Southern Africa.

(4) The JMCTR may carry out such other functions as are necessary for the fulfilment of the objectives of this Agreement.

5. Joint Technical Committee on Trade Relations

(1) Within 30 days of the establishment of the JMCTR, in accordance with Article 3.1 of this Agreement, the Parties shall establish a Joint Technical Committee on Trade Relations (JTCTR). The ITCTR shall coordinate and promote technical cooperation and the implementation of trade and trade-related issues.

(2) The JTCTR shall be composed of representatives from the following institutions from each of the Parties:

(a) The Ministry of Trade/Ministry of' Commerce, Industry and Investment;

(b) The Ministry of Foreign Affairs and International Cooperation/Ministry of Foreign Affairs;

(c) The Ministry of Interior;

(d) The Ministry of Finance;

(e) The Ministry of Petroleum;

(f) The Ministry of Agriculture;

(g) The Ministry of Justice;

(h) The Ministry of Transport/Ministry of Roads and Bridges;

(i) The Central Bank;

(j) The Chamber of Commerce/Business Association; and

(k) Other relevant institutions or departments, which may be co-opted from time to time in light of the subject matter under discussion at the JTCTR.

(3) The JTCTR shall adopt its rules of procedure for regulating its business, including its reporting procedures to the JMCTR for the effective and efficient carrying out of its business. The JMCTR shall approve the workplans and budgets for the JTCTR.

(4) The costs of operation of the JTCTR shall be shared equally between the two States.

6. Terms of Reference of the JTCTR

(1) The JTCTR shall constitute the technical subcommittee of the JMCTR, and prepare the documentation on substantive issues on matters that are to be considered by the JMCTR.

(2) The JTCTR shall in particular deal with the following issues, which the Parties have determined to require agreement at the earliest possible time, to facilitate and enhance trade between the two States. These include:

(a) Customs cooperation, including: administrative aspects, information exchange and capacity-building;

(b) Banking relations and trade-related payments arrangements (in coordination with the joint Central Banks Committee);

(c) Combating cross-border smuggling;

(d) Combating illicit financial transactions: money-laundering, financing of terrorism, drug trafficking and transboundary crimes;

(e) Trade-related dispute resolution mechanisms;

(f) Usage of ports and facilitation of transit of non-oil goods; and

(g) Facilitation of import and export between the two countries.

(3) The JTCTR shall, as part of its subsequent work programmes, discuss other matters, including the following:

(a) Trade facilitation and promotion;

(b) Free Trade Zones;

(c) Trade-related infrastructure development;

(d) Trans-shipment and transit goods;

(e) Usage of other countries' ports;

(f) Non-tariff barriers;

(g) Environmental and health safeguards; and

(h) Standards and codes.

7. Data and Information Sharing

The Parties shall cooperate fully to assure that the purposes and objectives of this Agreement will be achieved. To that end, the Parties shall establish mechanisms for the sharing of relevant data and information related to trade and trade-related issues,

and shall furnish to each other all such information related thereto as the other Party shall reasonably request.

Done in Addis Ababa, this 27th Day of September 2012:

(*Signed*) Idriss Abdel Gadir
On behalf of the Republic of the Sudan

(*Signed*) Pagan Amum Okiech
On behalf of the Republic of South Sudan

Witnessed by:

(*Signed*) Pierre Buyoya
On behalf of the African Union High Level Implementation Panel

# Agreement between the Republic of the Sudan and the Republic of South Sudan on Border Issues

**Addis Ababa, 27 September 2012**

The Preamble:

*Recognizing* the common heritage and abiding connections between the Sudanese and South Sudanese peoples, particularly those who live along the common border between the Parties;

*Resolving* to promote social and economic interactions and cooperation between the Parties and its peoples;

*Committed* to completing the demarcation of the international border between the Parties, and to resolve, expeditiously, all outstanding disputes relating to the border;

*Acknowledging* the necessity of reaching final agreements on all key border issues in an integrated manner and to provide for appropriate mechanisms for their implementation;

The Parties agree as follows:

Part I
Definitions and Key Principles

1. Definitions

Border: means a region, zone or territory straddling a boundary or an area adjacent to a boundary

Boundary: means the line that marks the physical limits of a State's territory and sovereignty

Demarcation: means the physical marking of a boundary on the ground using pillars or beacons and production of boundary maps thereafter

Delimitation: means the legal description of a boundary in a text and/or map

JBC: refers to the Joint Border Commission established under this Agreement

JDC: refers to the Joint Demarcation Committee established under this Agreement

JPSM: refers to the Joint Political and Security Mechanism

JTT: refers to the Joint Technical Team

Physical description: means the description of geographical and physical features made on the ground during the reconnaissance in comparison with their location plotted on the map including the coordinates

The Commission: has the same meaning as the Joint Border Commission (also "JBC")

The Parties: has the same meaning as "the two States"

The two States: means the Republic of the Sudan and the Republic of South Sudan

Transhumance: means the practice of moving livestock from one grazing area to another in a seasonal cycle

Tri-junction-point: means the point where the boundaries of three States meet

Part II
Soft Border

2. Peaceful and Secure Border

(1) The Parties shall maintain a peaceful, safe and secure border, along which economic activity and social interactions can flourish and across which people can move, and goods and services can flow easily.

(2) The Parties shall develop jointly and progressively their vision of a peaceful, safe and secure international boundary and, in particular, they shall encourage and support coordinated management of the border at all levels.

(3) The Parties shall resolve any conflicts that may arise in relation to the border exclusively through peaceful means.

3. Integrated Border Management Approach

(1) The Parties recognize the special character of the border and the need to regulate, protect and promote the various interests of public and community nature along the border.

(2) Accordingly, the Parties shall adopt an integrated border management approach (IBMA) aimed at ensuring coordinated management of the multiple border control and other interests of each State.

4. Key Pillars of the IBMA

(1) The integrated border management approach shall consist of the following pillars:

(i) Bilateral cooperation

(ii) Inter-agency cooperation

(iii) Intra-agency cooperation

(iv) Local (stakeholder) participation

(2) In the adoption or implementation of any measure under the IBMA the views and interests of the various stakeholders including the host communities, the administrative, security and private sectors, as well as other community actors, shall be taken into account.

Part III
Demarcation of the Boundary

5. Commitment to Demarcate the Boundary

(1) The two States affirm the definition of the agreed boundary in accordance with the physical description and delimitation, and corresponding recommendations of the Technical Committee for the 1/1/1956 Border Line Demarcation Between. North and South Sudan, as affirmed by the Presidency of the Republic of the Sudan prior to the secession of Southern Sudan.

(2) Accordingly, the two States shall jointly demarcate the boundary from the tri-junction-point of the Republic of the Sudan, the Republic of South Sudan and the Central African Republic to the tri-junction-point of the Republic of the Sudan, the Republic of South Sudan and the Federal Democratic Republic of Ethiopia.

6. Guiding Principles for Demarcation

(1) The two States shall ensure that the demarcation exercise contributes to the maintenance of peaceful coexistence between the two States and the border communities.

(2) The demarcation process shall take into account African best practices which seek to maintain the sanctity and cohesion of communities and to foster peaceful coexistence between neighbours.

(3) During the demarcation process, the two States shall ensure the proper management of the natural resources along the border and in particular the protection of fragile ecosystems.

7. Demarcation Period for Agreed Boundary

(1) The two States recognize the urgency of demarcating the agreed boundary as referred to in Article 5(2) of this Agreement, and shall complete the demarcation within three months of the commencement of the demarcation exercise.

(2) The demarcation process shall commence immediately upon the establishment of the Joint Demarcation Committee (JDC) and the Joint Technical Team (JTT) in accordance with this Agreement, and, in any event, not later than sixty (60) days after the ratification of this Agreement.

(3) The two States may extend the demarcation period referred to in paragraph (1) of this article upon the recommendation of the JDC, which, shall be based on credible technical grounds.

(4) Notwithstanding the expiry of the demarcation period, the mandate and work of the JDC and the JTT shall not be interrupted while a decision on the extension of the demarcation period is pending.

Part IV
Institutions Relating to Demarcation

8. Joint Demarcation Committee

(1) Within two weeks of the ratification of this Agreement, the two States shall establish a Joint Demarcation Committee to manage and supervise the demarcation and the maintenance of the boundary pillars and beacons.

(2) The JDC shall be a committee of the Joint Border Commission.

(3) The JDC shall have ten members and shall be composed of an equal number of representatives from each State, drawn from persons with relevant knowledge or expertise in cartography, law and any other relevant discipline. The JDC shall have two co-chairs: one nominated by each State.

(4) The JDC shall commence its functions immediately upon its establishment.

(5) At its first sitting, which shall be held not later than two weeks after it has been established, the JDC shall formulate its internal procedures and shall make the necessary preparations for the establishment of the Joint Technical Team.

9. Joint Technical Team

(1) Within two weeks of its first sitting, the JDC shall establish the JTT. The JTT shall consist of an equal number of surveyors, cartographers and other appropriate experts, including construction engineers, from each State.

(2) The JTT shall be composed of eighty (80) persons; forty (40) from each State.

(3) The JTT shall commence its activities in accordance with the Demarcation Plan provided for in Article 10(1) of this Agreement. It shall carry out the technical functions associated with the demarcation and the maintenance of the boundary pillars and beacons and shall report to the JDC.

(4) The African Union shall provide surveyors to assist the JTT, particularly in the recording of agreements or disagreements to be referred to the JDC. The surveyors may, upon the request of the Parties, assist the JTT in the performance of any of its functions.

Part V
Demarcation Process

10. The Demarcation Process

(1) Within two weeks of its first meeting, the JDC shall produce a comprehensive plan for undertaking the dernarcation exercise. The plan shall include the internal rules of procedures of the JDC as well as a budget. The plan shall set out in detail the demarcation outputs and processes.

(2) A representative of the African Union may, at the request of the Parties, perform any advisory function related to the demarcation process.

(3) The two States may agree to seek technical assistance on demarcation from any other source.

11. Outcome of Demarcation Process

The two States shall confirm the completion of the demarcation process through a written formal agreement, and shall deposit the agreement, including the agreed descriptions and maps, with the African Union Commission.

12. Costs and Technical Requirements for Demarcation

(1) The costs of the demarcation exercise shall be met from funds to which each State shall contribute equally.

(2) Each State shall pay its contribution towards the costs of the demarcation exercise into a Joint Escrow Account to be set up within one (1) week of the establishment of the Joint Demarcation Committee. At the time of the establishment of the account each State shall deposit USD $100,000.

(3) Upon the completion of the comprehensive plan, including the budget, referred to in Article (8)(1) of this Agreement, each State shall pay its equal financial obligation towards the budget as follows:

(a) Seventy percent (70%) within one week of adoption of the plan and budget.

(b) Fifteen percent (15%) within one month of adoption of the plan and budget.

(c) Fifteen percent (15%) within two months of the adoption of the plan and budget.

(4) The African Union, or any other entity, may, upon the joint request of the Parties, provide technical or financial assistance to facilitate the demarcation exercise.

Part VI
Other Issues

13. Provision of Security for Demarcation

(1) As soon as it has adopted the demarcation plan, the JDC shall notify the Joint Political and Security Mechanism (JPSM) of the proposed date for the commencement of the demarcation process as well as other details relating to the demarcation process.

(2) In accordance with the Agreement on Border Security and Joint Political and Security Mechanism signed by the Parties on 29th June 2011, and the Agreement on the Border Monitoring Support Mission signed on 30th July 2011, the JPSM shall provide protection for the demarcation teams and for the equipment and other facilities relating to the demarcation process.

Part VII
Transboundary Populations

14. Management of Transhumance

(1) The Parties shall regulate, protect and promote the livelihoods of border communities without prejudice to the rights of the host communities and in particular those of the nomadic and pastoral communities especially their seasonal customary right to cross, with their livestock, the international boundary between the Parties for access to pasture and water.

(2) The Parties may reach further agreements to facilitate the peaceful movement of nomadic and pastoral communities taking into consideration the primary interest of the host communities and the security implications of such movements.

(3) The Joint Border Commission shall adopt a comprehensive border management policy for the management of resources, including: rangelands, watersheds, stock routes and grazing areas.

15. General provisions on Border communities

(1) The Parties may reach other agreements to facilitate the movement of members of border communities across the international boundary.

(2) In the adoption or implementation of any measure or policy, the JBC shall give due consideration to the views of the host communities, border communities as well as to the interests and views of other affected interest groups.

Part VIII
Managing Border Security

16. Holistic Approach to Security

(l) Consistent with the IBMA, each State shall adopt a holistic approach to the management of security along the border encompassing: conflict prevention, conflict management, conflict resolution as well as reconciliation and other peacebuilding measures.

(2) The Parties shall develop and enhance the capacity of security personnel and border community leaders to address conflict-related issues.

(3) Consistent with Part V of this Agreement, special attention shall be given to the security issues arising from transhumance.

Part IX
Institutional Arrangements for Managing the Border

17. Joint Border Commission

(1) Within two weeks of the ratification of this Agreement, the Parties shall establish a Joint Border Commission ("JBC") to oversee the management and demarcation of the border.

(2) The Commission shall be composed of five representatives and a co-chair from each State. The co-chairs shall be ministers or persons holding an office of an equivalent level.

(3) Members of the Commission shall be persons with relevant expertise and of high integrity.

18. Functions of the Joint Border Commission

(1) The Commission shall oversee the management of the border in accordance with the provisions of this Agreement.

(2) In carrying our its functions, the Commission:

(a) shall develop, in coordination with national actors, detailed policies for managing the border in accordance with the principles set out in this Agreement;

(b) may make recommendations for the enactment of national legislation for the management of the border as necessary;

(c) shall coordinate its activities with the various stakeholders including: national authorities and local communities;

(d) shall develop an effective working relationship with the administrations of the border states;

(e) may solicit and coordinate technical and financial support for its activities; and,

(f) may make recommendations to the heads of the two States, or to any other joint body, with regard to the management of the border.

19. Structures of the Commission

(1) In addition to the Joint Demarcation Committee, established in Part III of this Agreement, the Commission shall establish and facilitate joint committees for the effective carrying out of its specific functions including any of the following:

(i) Social and economic issues;

(ii) Transboundary resources management;

(iii) Border development and infrastructure;

(iv) Legal and judicial cooperation.

(2) A committee established in accordance with the above subparagraph may set up its own subcommittees in consultation with the Commission.

20. Coordination on Security Issues

The primary responsibility for the joint management of security along the border shall lie with the Joint Political and Security Mechanism (JPSM), which shall coordinate its activities with the Joint Border Commission, especially with regard to the management of movement routes and corridors for the use of transboundary communities.

21. Coordination of border management

The Joint Border Commission shall convene coordination meetings, at least two times a year, with the JPSM, the Joint High Level Committee on Nationals, the relevant Joint Trade and Economic Committee and representatives of the Governors' Forum among others.

22. Coordination

Each State shall ensure that the management of the border is coordinated at all levels of government in accordance with the key pillars of the IBMA.

23. Border Governors' Forum

The Parties shall convene and encourage the development of an effective Border Governors' Forum of the Parties, and shall build on previous experiences of Governors' cooperation, as appropriate.

Part X
Specific Policies for Management of the Border

24. Common Policies

The JBMA shall develop policies for the joint management of the border.

25. Resource Management Policy

The implementation of the policy shall be overseen by the relevant committees of the JBMA, which shall support national authorities to implement the relevant measures.

26. Economic and Trade Policies

(1) The Parties shall facilitate cross-border trade and establish customs posts and enclosures at the designated official crossing points.

(2) The Parties facilitate cross-border trade and combat smuggling and all forms of trafficking.

(3) The Parties shall promote investment along the border and shall promote and facilitate the access of border communities to commercial banking, telecommunications, and currency exchange facilities.

(4) The Parties shall permit and facilitate local subsistence trade between border communities, without formal taxation.

27. Dissemination of Policies

The Parties shall ensure that residents of the border and other affected persons have access to information concerning any decisions and developments relevant to the border, such as: legislation, official policies and agreements.

Part XI
Miscellaneous Provisions

28. Border Fund

(1) The Parties shall establish a fund for supporting the implementation of this Agreement and to facilitate the activities of the joint Border Commission.

(2) The Parties shall make equal contributions into the fund, and may solicit additional assistance from third parties.

29. Future Agreements

The Parties may conclude further agreements for the better implementation of the provisions of this Agreement.

Done in Addis Ababa, this 27th Day of September 2012:

(*Signed*) Idriss Abdel Gadir
On behalf of the Republic of the Sudan

(*Signed*) Pagan Amum Okiech
On behalf of the Republic of South Sudan

Witnessed by:

(*Signed*) Pierre Buyoya
On behalf of the African Union High Level Implementation Panel

## Framework Agreement to Facilitate Payment of Post Service Benefits between the Republic of the Sudan and the Republic of South Sudan

**Addis Ababa, 27 September 2012**

Preamble

*Acknowledging* that there are South Sudanese public servants now residing in the territory of the Republic of South Sudan or the Republic of the Sudan or any other country who, prior to the secession of South Sudan, worked in the public service of the Republic of the Sudan and who are pensioners, or may be eligible to become pensioners, under applicable laws of the Republic of the Sudan;

*Acknowledging* also that there are citizens of the Republic of the Sudan who prior to or after the secession of South Sudan worked in the public service of the government of South Sudan who are pensioners or will be eligible to become pensioners under applicable laws of the Republic of South Sudan;

*Mindful* of the critical importance, following the secession of the Republic of South Sudan, of agreeing on appropriate mechanisms to ensure uninterrupted, timely and convenient delivery of Post-Service Benefits to all qualified individuals as aforesaid who are citizens of the Republic of South Sudan or of the Republic of the Sudan and who reside in either State;

*Committed* to dealing with this matter in an expeditious manner to ensure that qualified individuals are duly paid post-service benefits in which they have vested interests, in order to protect their livelihoods and well-being;

The Parties agree as follows:

1. Definitions

"Post-Service Benefits" means pensions, gratuities and any other payments, for which a liability is provided under the relevant pension-related laws of the Republic of the Sudan and the Republic of South Sudan;

"Public Servant" means (a) constitutional post holders, (b) justices and judges of the judiciary, (c) legal counsels of the Ministry of Justice, (d) civil servants, and (e) persons employed or engaged in employment in government institutions as defined in the applicable laws of the two States;

"Pensions Entities" means the National Pensions Fund of the Republic of the Sudan and other institutions responsible for pension matters in accordance with the laws of the two States;

"National Pensions Fund" means the Public Servants Pension Fund of the Republic of the Sudan (also referred to as NPF);

"Pensioner" means a person who has served in the Organized Forces or public service of the Republic of the Sudan or the Republic of South Sudan, or worked in the private sector and who has a vested right to a pension on account of previous employment in pensionable service in accordance with the applicable laws of the two States;

"Survivor" means a person who is the legal heir of the Post-Service Benefits of a deceased Pensioner in accordance with the applicable law;

"Organized Forces" means the armed forces, unified police forces, National Security and any other regular forces in accordance with the laws of the two States; and,

"Sudan laws", for the purpose of this Agreement, means all relevant laws governing Pension Entities in the Republic of the Sudan prior to 9 July 2011.

2. Specific Obligations of the Parties

2.1 The Republic of Sudan acknowledges its duty to pay Post-Service Benefits and hereby commits to pay all Post-Service Benefits, including pensions and gratuities and other payments due to eligible and vested current and former Public Servants of the Republic of the Sudan and their Survivors at the central, state or local levels, including Public Servants who have become citizens of the Republic of South Sudan and who reside in the Republic of South Sudan or any other country, all in accordance with applicable laws of the Republic of the Sudan.

2.2 The Republic of South Sudan acknowledges its duty to pay Post-Service Benefits and hereby commits to pay all Post-Service Benefits, including pensions and gratuities and other payments due to eligible and vested current and former Public Servants of the Republic of South Sudan and their Survivors at the central, state or local levels, including Public Servants who have become citizens of the Republic of the Sudan and who reside in the Republic of the Sudan or any other country, all in accordance with applicable laws of the Republic of South Sudan.

2.3 Subject to agreements reached by the Parties on the basis of the assessments and reviews to be carried out in accordance with the provisions of this Agreement, the Republic of the Sudan hereby commits to finance identified and agreed unpaid contributions of eligible Public Servants who were serving in the Co-ordinating Council for Southern States. This is in accordance with the provision of the MoU, signed by the Government of National Unity and the Government of Southern Sudan, dated 14 July 2010.

2.4 Following the completion of the identification and calculation processes provided for in Articles 6.1 (a) and (b) of this Agreement, the Parties shall cause their respective Pension Entities, promptly and without delay, to pay to eligible pensioners or survivors any arrears or amounts that are due and payable to them, and shall ensure that such payments are continued in accordance with the respective applicable laws of the Republic of the Sudan and the Republic of South Sudan.

3. Joint Ministerial Committee on Pensions

3.1 Within thirty (30) days of the signing of this Agreement, the Parties shall establish a Joint Ministerial Committee on Pensions (JMCP). The JMCP shall be composed of six (6) members, with three (3) each representing each State. The JMCP shall be co-chaired by the respective Ministers of each State responsible for pension matters, and with membership of the ministers of Interior and Defence.

3.2 The first meeting of the JMCP shall take place within fifteen (15) days of its establishment in accordance with Article 3.1 and thereafter, the JMCP shall meet, periodically, at times and locations to be determined by it.

3.3 The JMCP shall adopt its internal rules of procedure for regulation of its business.

3.4 The costs of meetings of the JMCP shall be shared equally between the two States.

4. Mandate of the JMCP

4.1 The JMCP shall have primary responsibility for discussing and reaching agreement on all issues related to pensions administration of relevance to the two States.

4.2 Consistent with the objectives of this Agreement, the JMCP shall, at its first meeting, establish additional time frames and completion dates for the carrying out of the mandates listed in Articles 6.1 (a) and (b) of this Agreement.

4.3 The JMCP shall oversee and approve the work programme of the Joint Technical Committee on Pensions established pursuant to Article 5.1 of this Agreement.

4.4 The JMCP shall be responsible for making decisions on any issues that are brought to its attention in the course of the deliberations and work of the Joint Technical Committee on Pensions.

4.5 The JMCP may add to its mandate such other matters, relevant to Post-Service Benefits, as it may deem necessary.

4.6 The JMCP may add such other matters to the terms of reference of the JTCP as it deems relevant to the achievement of the objectives of this Agreement.

4.7 The JMCP may request support and technical advisory services from the International Labour Organization or any other institution with expertise in pension-related matters, to support the work of the JTCP.

4.8 The JMCP shall ensure that the JTCP completes the tasks listed in Article 6 within 12 months from the date of its establishment.

5. Joint Technical Committee on Pensions

5.1 Within thirty (30) days of the establishment of the JMCP, the Parties shall establish a Joint Technical Committee on Pensions (JTCP).

5.2 The JTCP shall be composed of ten (10) members, with each Party nominating five (5) members to represent all the relevant ministries and departments within the governments of the two States having substantive dealings with, and interests in, pension-related matters. The JTCP shall be co-chaired by a member representing each Party.

5.3 The JTCP may establish such subcommittees and working groups as it deems necessary to enable it to discharge its responsibilities with due diligence and efficiency and may co-opt qualified and experienced officials from relevant ministries of the governments of the two Parties to assist on particular issues.

5.4 The first meeting of the JTCP shall take place within 15 days of its establishment under Article 5.1 and, thereafter, it shall meet periodically at times and locations to be determined by it.

5.5 The JTCP shall adopt its internal rules of procedure and regulations to ensure the effective and efficient carrying out of its work, including guidelines and procedures for reporting to the JMCP on a quarterly basis.

5.6 The workplans and associated budgets of the JTCP shall be subject to the approval of the JMCP.

5.7 The costs of operations of the JTCP shall be shared equally by the Parties.

5.8 The JTCP may refer to the JMCP for decision, any dispute or matter concerning the work and activities under these terms of reference that the JTCP deems appropriate.

6. Terms of Reference of the JTCP

6.1. The terms of reference of the JTCP shall include the following:

(a) identify those individuals who are citizens of either the Republic of the Sudan or the Republic of South Sudan who are, or shall be eligible, to receive Post-Service Benefits from Pensions Entities of the other State, according to the relevant laws of the two States;

(b) provide guidance for the calculation of Post-Service Benefits for pensioners and eligible pensioners according to the relevant laws of the two States; and complete any incomplete files within forty-five (45) days of the establishment of the JTCP;

(c) resolve any problems that may be hindering the calculation of pensions, brought to its attention by the Pensions Entities in the course of the carrying out of the identification and calculation process referred to in (a) and (b) above;

(d) facilitate the transfer of all relevant financial entitlements, including payments from the Pensions Entities of the Republic of the Sudan to the South Sudan Pensions Fund (SSPF) and payments from the SSPF to the Pensions Entities of the Republic of the Sudan, for the benefit of pensioners;

(e) determine modalities to ensure prompt and continuous payment, including payment of arrears, in accordance with the respective laws of the two States;

(f) facilitate transfer of payments through the two Central Banks, calculated in Sudanese pounds (SDG) and South Sudan pounds (SSP), at prevailing exchange rates as agreed by the JTCP, for transfer through the two Central Banks according to financial procedures agreed by the Central Banks;

(g) devise methods to facilitate the transfer of data and information between the Pensions Entities in Sudan and the SSPF, upon request;

(h) develop materials and provide relevant information which the Pension Entities in the two States may utilize to inform prospective beneficiaries

of their rights and the relevant procedures for applications to the Pensions Entities;

(i) assist in the identification of assets, including financial assets, of Pensions Entities in each State located in the other State;

(j) provide assistance to, and advise, missions of auditing teams of Pensions Entities from one State visiting the other State, as required;

(k) develop a programme for cooperation and collaboration between the Pensions Entities of the two States, including provision of technical assistance to each other; and

(l) submit quarterly reports to the JMCP.

7. Data

The Parties shall establish mechanisms for the sharing in a timely manner, of all relevant data, records, documents and information related to Post-Service Benefits and relevant to the terms of reference of the JTCP and, in particular, data on individuals who receive, or are eligible to receive, Post-Service Benefits, and shall furnish to each other all such information related thereto as the other Party shall reasonably request.

8. Dispute resolution mechanism

In case any dispute rises and the JMPC fails to reach an amicable solution, the matter shall be referred to the International Labour Organization (ILO) or any other international institution agreed by the Parties, and their opinion shall be final and binding.

Done in Addis Ababa, this 27th Day of September 2012:

(*Signed*) Idriss Abdel Gadir
On behalf of the Republic of the Sudan

(*Signed*) Pagan Amum Okiech
On behalf of the Republic of South Sudan

Witnessed by:

(*Signed*) General Abdusalami Abubakar
On behalf of the African Union High Level Implementation Panel

## Framework Agreement on the Status of Nationals of the Other State and Related Matters between the Republic of the Sudan and the Republic of South Sudan

**Addis Ababa, 27 September 2012**

The Parties,

*Affirming* that the people of Sudan and South Sudan desire to coexist peacefully and to build harmonious relations and good neighbourliness among themselves;

*Convinced* that for the social and economic viability of the two States it is necessary that Sudanese and South Sudanese people continue to interact with each other and enjoy the freedom to reside, move, acquire and dispose of property, and undertake economic activities within the territories of the two States;

*Affirming* the necessity for establishing arrangements for cooperation and for the implementation of relevant policies and commitments;

Agree as follows:

Part I
Cooperation on Treatment of Nationals

1. Joint High Level Committee

(1) The two States shall establish a standing Joint High Level Committee ("the Committee"), which shall oversee the adoption and implementation of joint measures relating to the status and treatment of the nationals of each State in the territory of the other State.

(2) The Committee shall be co-chaired by the ministers responsible for internal affairs in each State, and shall include representation from other ministries and relevant authorities of each State.

(3) Within two weeks of the entry into force of this Agreement, the Committee shall hold its first meeting, during which it shall adopt a programme of work as well as its internal rules of procedure.

(4) The Committee shall be responsible for all matters relating to the status and treatment of the nationals of each State in the other State.

(5) In the carrying out of its functions, the Committee shall be guided by this agreement and any relevant principles and arrangements adopted by the two States.

(6) The Committee may establish technical subcommittees to deal with any issue that may arise within its mandate.

2. Documentation

(1) The Parties shall accelerate their cooperation to provide the nationals of each State with the appropriate identification and other relevant documents relating to their status, such as work and residence permits.

(2) The two States may jointly, through the African Union High Level Implementation Panel for Sudan (AUHIP), appeal to the international community for any technical support that may be required for the above exercise.

3. Role of AUHIP

(1) The African Union High Level Implementation Panel shall convene the first meeting of the Committee. The Panel shall propose an agenda for the meeting in consultation with the Parties.

(2) The Panel shall work with the two States to facilitate the implementation of this Agreement.

Part II
Freedoms of Nationals of the Other State

4. The Freedoms

(1) In accordance with the laws and regulations of each State, nationals of each State shall enjoy in the other State the following freedoms:

(a) Freedom of residence;

(b) Freedom of movement;

(c) Freedom to undertake economic activity;

(d) Freedom to acquire and dispose of property.

(2) A person who has already exercised any of the freedoms conferred by this Agreement shall not be deprived of that freedom by reason of the amendment or termination of this Agreement.

(3) The two States shall negotiate an agreement to elaborate the above freedoms. The AUHIP shall produce a draft text for consideration by the Committee.

Part III
Miscellaneous Provisions

5. Disputes

Any dispute arising from the interpretation or implementation of this Agreement shall be settled amicably between the two States.

6. Amendment

This Agreement may be amended by the two States

7. Termination

(1) The two States may agree in writing to terminate this Agreement, and the termination shall take effect after thirty (30) days of the date of that agreement.

(2) Without prejudice to article 7(1) above, either State may, by written notification, give to the other State sixty (60) days' notice of its intention to terminate this Agreement. The termination shall become effective after sixty (60) days, unless it is rescinded by the State giving the notice.

Done in Addis Ababa, this 27th Day of September 2012:

(*Signed*) Idriss Abdel Gadir
On behalf of the Republic of the Sudan

(*Signed*) Pagan Amum Okiech
On behalf of the Republic of South Sudan

Witnessed by:

(*Signed*) Pierre Buyoya
On behalf of the African Union High Level Implementation Panel

## Agreement on a Framework for Cooperation on Central Banking Issues between the Republic of the Sudan and the Republic of South Sudan

**Addis Ababa, 27 September 2012**

Preamble

*Mindful* of the need to maintain an environment that will be mutually beneficial for the economies of the Republic of the Sudan and the Republic of South Sudan;

*Recognizing* the need for cooperation in the management of monetary and fiscal policy, with the goal of maintaining confidence, controlling inflation and avoiding destabilizing exchange-rate fluctuations; and

*In pursuance* of the commitment to adhere to international finance and banking standards;

The Parties agree as follows:

1. Establishment of the Joint Central Banks Committee

1.1 Within thirty (30) days of the ratification of this Agreement, the Parties shall establish a Joint Central Banks Committee (JCBC). The JCBC shall be composed of ten (10) members, with each Party nominating five (5) members to represent the Bank of South Sudan (BSS) and the Central Bank of Sudan (CBOS), respectively. The JCBC shall be co-chaired by a member representing each State and shall be overseen by the Governors, respectively, of the BSS and the CBOS.

1.2 The first meeting of the JCBC shall take place within forty-five (45) days of the ratification of this Agreement, and thereafter, the JCBC shall meet periodically at times and locations it may determine.

1.3 The JCBC shall adopt rules of procedure for regulating its business, including: its reporting procedures, its workplans and associated budgets and any other procedures required for the effective and efficient carrying out of its business.

1.4 The costs of operation of the JCBC shall be shared equally between the BSS and the CBOS.

2. Purpose of the Joint Central Banks Committee

2.1 The JCBC shall have the principal purpose of supporting financial stability and sound banking policies in the two States in order to enhance cooperation and to promote trade and the mutual economic viability of the two States. The terms of reference of the JCBC shall include, inter alia, the following:

(a) developing appropriate procedures and systems for enhancing cooperation in the areas of central banking, monetary policy, exchange rate policy, banking supervision and the preservation of the value of the respective currencies of the two States, the opening of correspondent accounts in each State, and the licensing of commercial banks' branches in the other State;

(b) establishing systems to facilitate smooth payment system transfer operations and clearing of financial transactions between the two States;

(c) developing systems to promote the exchange of information between the BSS and the CBOS, and provision of technical assistance, as appropriate; and,

(d) establishing a continuous forum for discussion of central banking issues as may be identified from time to time.

2.2 The JCBC may request, with the express written consent of the Governors of the BSS and the CBOS, support and technical assistance as appropriate from the International Monetary Fund and other international financial institutions.

2.3 The JCBC may establish subcommittees for the carrying out of its mandate.

3. Protection of the Rights of Commercial Banks and Enforcement of their Duties and Obligations.

3.1 The BSS and the CBOS shall promote cooperation between commercial banks operating within the Republic of South Sudan and the Republic of the Sudan in various banking areas; including: incorporating and licensing as branches of foreign banks, opening correspondence accounts, and pursuing technical cooperation.

3.2 The Republic of South Sudan and the Republic of the Sudan shall each guarantee the rights of commercial banks headquartered in the other State to continue to operate within their respective territories as branches of foreign banks.

3.3 Foreign commercial banks operating within the territory of either of the two States shall be required to comply with the relevant national laws and regulations of the host State, and the host State shall enforce those laws and regulations without discrimination.

3.4 The claims of commercial banks and other financial institutions against citizens or legal entities of the other State shall be pursued through established, legal and judicial processes of each State. Each State shall guarantee due process and fair access to its judicial and other adjudicative institutions.

3.5 The BSS and the CBOS will facilitate the reconciliation of the interbank accounts.

Done in Addis Ababa, this 27th Day of September 2012:

(*Signed*) Idriss Abdel Gadir
On behalf of the Republic of the Sudan

(*Signed*) Pagan Amum Okiech
On behalf of the Republic of South Sudan

Witnessed by:

(*Signed*) Thabo Mvuyelwa Mbeki
Chairperson, African Union High Level Implementation Panel
On behalf of the AUHIP

## Agreement between the Republic of the Sudan and the Republic of South Sudan on Certain Economic Matters

**Addis Ababa, 27 September 2012**

Preamble

*Affirming* the commitment to the mutual economic and financial viability of the Republic of South Sudan and the Republic of the Sudan;

*Desiring* to reach agreements on economic and financial issues, including an agreement on how to deal with debts owed to each other and other financial claims;

*Conscious* of the mutual benefits to be derived from pursuing strategic cooperation on certain economic issues to maximize rather than prejudice the growth potential of each State;

*Recognizing* the need to determine, on the basis of the principles of international law, how external and domestic assets and liabilities of the Republic of the Sudan are to be treated following the secession of the Republic of South Sudan;

The Parties agree as follows:

1. Definitions

"Agreed Zero Option": means the option provided for in Article 3.1.1 of this Agreement;

"Archives": means all documents of whatever date or kind, produced or received by the Republic of the Sudan in the exercise of its functions which, at the date of the secession of the Republic of South Sudan, belonged to the Republic of the Sudan according to its internal law, and were preserved by it directly or were under its control as archives for whatever purpose;

"AUHIP": means the African Union High Level Implementation Panel on Sudan;

"Cultural Heritage Property": means "Cultural Property": For the purposes of this Part, the term "cultural property" shall cover, irrespective of origin or ownership: movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above; buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in subparagraph (a) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in subparagraph (a); centres containing a large amount of cultural property as defined in subparagraphs (a) and (b), to be known as "centres containing monuments";

"External debt": means a debt claim held by a non-resident of the RoS and "external asset" refers to an asset held abroad or a claim against a non-resident of the RoS;

"HIPC": refers to the Enhanced Initiative for Heavily Indebted Poor Countries;

"RoS": refers to the Republic of Sudan; and,

"RSS": refers to the Republic of South Sudan.

2. Cut-off date for determining assets and liabilities

2.1 The provisions in Article 3 of this Agreement shall apply only to the external assets and liabilities of the Republic of the Sudan that were in existence as of 8 July 2011.

2.2 The provisions in Article 4 of this Agreement shall apply to the domestic assets and debt liabilities of the Republic of the Sudan that were in existence as of 8 July 2011.

3. Treatment of External Assets and Liabilities

3.1 Agreed Zero-Option Approach

3.1.1 The two States hereby agree that the RoS, as the continuing state, shall retain all external debt liabilities and external assets of the RoS.

3.1.2 The two States shall take all necessary steps, including through a joint creditor outreach strategy, to secure from international creditors a firm commitment to provide comprehensive relief of the external debt of the RoS.

3.1.3 The joint creditor outreach strategy referred to in Article 3.1.2 shall include:

(a) the mobilization of other states and international entities to lead and sustain the international campaign for the relief of the external debt of the RoS; and,

(b) the implementation of targeted and intensive outreach activities directed at the creditors of the RoS holding significant amounts of external debt claims.

3.1.4 The "firm commitment" referred to in Article 3.1.2 shall be deemed to have been secured:

(a) when the RoS reaches the "decision point" as provided for under the Enhanced Initiative for Heavily Indebted Poor Countries (HIPC); and,

(b) if the HIPC decision point is reached no later than two (2) years from the entry into force of this Agreement, or such later date as shall be agreed by the two States.

3.2 Trigger for Potential Apportionment of External Debts and Assets

3.2.1 If the firm commitment from international creditors regarding the relief for the external debt of the RoS is not secured, the Agreed Zero Option shall cease to apply.

3.2.2 Upon the Agreed Zero Option ceasing to apply, the two States shall enter into good faith negotiations to conclude apportionment of the external debt of the RoS and its external assets, taking into account the factors referred to in Articles 3.3.1 and 3.4.2.

3.2.3 If, notwithstanding an agreed apportionment, the RoS shall have made any payments to offset an external debt liability for which the RSS is otherwise responsible under this Agreement, the RSS shall reimburse the RoS for such payments.

3.3 Potential Apportionment of Project Loans

3.3.1 The Parties shall determine the apportionment of project loan obligations between the RoS and the RSS on the basis of the primary final beneficiary principle.

3.3.2 The project loan obligations under consideration by the two States amount to a total of between $110 million (USD) and $117 million (USD) as of 31 December 2009.

3.3.3 The RoS shall provide relevant documentation pertaining to project loans in order to ascertain the terms of the loan and the primary final beneficiary.

3.3.4 The two States shall complete the exercise of determining the apportionment of project loan obligations within six (6) months after the date referred to in Article 3.1.4 (b), or such later date as they may agree upon.

3.4 Potential Apportionment of "Balance of Payments Support" Loans

3.4.1 The two States shall give further consideration to the potential apportionment of "balance-of-payments support" loan obligations, and shall identify such obligations jointly, and by reference to data that has been reconciled between the RoS and its respective international creditors.

3.4.2 In determining the formula for the apportionment of "balance-of-payments support" loan obligations, the two States shall consider criteria, including, the relative level of physical infrastructure development, human development, and the population within the RoS and the RSS, respectively, as of 9 July 2011.

3.4.3 The two States shall complete the exercise of determining the apportionment of "balance of payments support" loan obligations within six (6) months after the date referred to in Article 3.1.4 (b), or such later date as they may agree upon.

4. Treatment of Domestic Assets and Liabilities

4.1 The Territorial Principle

4.1.1 Unless otherwise agreed, the two States shall treat domestic assets and liabilities in accordance with the territorial principle, by which assets and liabilities that have a domestic connection to the territory of Sudan shall be allocated along territorial lines and attributed to the respective State.

4.1.2 Accordingly:

(a) any domestic asset, including but not limited to movable and immovable property located on the territory of a State shall be attributed to that State; and,

(b) any domestic liability associated with the territory of a State shall be attributed to that State.

4.2 State Archives

4.2.1 Any part of an Archive which is required for the normal administration of the territory of the RSS, or which relates directly to the territory of the RSS, shall pass to the RSS.

4.2.2 The RoS shall provide the RSS with the following information:

(a) the best available evidence from its State Archives, including maps and other documents relating to title to the territory of the RSS and to its boundaries; and,

(b) such other information as is necessary to clarify the meaning of Archives that pass to the RSS.

4.2.3 Any agreement on Archives shall not impede the access of individuals or groups of people from either State, to information about their history and their cultural heritage.

4.2.4 The transfer of State Archives shall be effected without compensation between the respective States.

4.2.5 Arrangements shall be made to make digital copies of documents and maps, as agreed between the Parties, that refer to the normal administration of both the territories of the RoS and the RSS, and for these copies to be deposited with the relevant institutions in both States.

4.3 Cultural Heritage Property

4.3.1 Property of particular importance to the cultural heritage of a State, or which originates from a State, shall pass to that State and, where practicable, shall be repatriated to that State.

4.3.2 The State in possession of the property shall have primary responsibility for the repatriation of property.

4.3.3 Each State shall submit to the other State the details of any Cultural Heritage. Property to which it lays claim.

4.3.4 The transfer of Cultural Heritage Property shall be effected without compensation between the two States.

4.3.5 The Parties shall establish a joint Archives and Cultural Heritage Property Committee to assist in the identification of such Archives and Cultural Heritage Property located in the RoS and the RSS and to agree on suitable arrangements for their repatriation.

4.3.6 Where the two States deem that repatriation is not possible, arrangements shall be made with the mutual consent of the Parties, to facilitate access.

4.3.7 Any other matters relating to the implementation of this Agreement on assets and liabilities shall be addressed jointly between the two States, through the joint implementation mechanisms established in the Cooperation Agreement, and in accordance with the principles set forth in this Agreement.

5. Mutual Forgiveness of Claims of Non-Oil Arrears and Other Claims

5.1.1 Each Party agrees to unconditionally and irrevocably cancel and forgive any claims of non-oil-related arrears and other non-oil-related financial claims outstanding to the other Party, up to the date of this Agreement, including the claims of arrears and other financial claims filed by each Party with the African Union High Level Implementation Panel on Sudan in February, 2012.

5.1.2 To that end, each Party acknowledges that there shall be no further liability owed to the other Parry in respect of such arrears or other financial claims.

5.1.3 The Parties agree that the provisions of Article 5.1.1 shall not serve as a bar to any private claimants. The Parties agree to safeguard the rights of private claimants and to ensure that such claimants that they have the right of access to the courts, administrative tribunals and agencies of each State for the purpose of realizing the protection of their rights.

5.1.4 The Parties agree to take such action as may be necessary, including the establishment of joint committees or any other workable mechanisms, to assist and facilitate the pursuance of claims by nationals or other legal persons of either State to pursue claims in accordance with, subject to the provisions of the applicable laws in each State.

6. Joint Approach to the International Community

6.1.1 Consistent with their recognition of and commitment to the overriding principle of two viable States, the Parties hereby agree to undertake, jointly with the AUHIP, an approach to the international community for the purposes set out in this Article.

6.1.2 The Parties and the AUHIP shall constitute a joint delegation which shall seek assistance from the international community with respect to:

(a) contributions of monies to provide one third of the aggregate amount of the funding required to fill the financing gap of the RoS resulting from the loss of revenues previously received from oil exports from the territory of South Sudan;

(b) funding to support the RSS in carrying out programmes and projects designed to respond to its urgent and immediate developmental challenges;

(c) direct debt relief from creditors of the Republic of the Sudan's external debt, including debt relief provided under the HIPC initiative to be provided by no later than two years (2) from the signing of this Agreement; and,

(d) assistance in the lifting of all economic sanctions imposed on RoS.

6.1.3 The modalities and programme for this joint approach shall be agreed by the Parties and the AUHIP within 30 days of the signature of this Agreement.

Done in Addis Ababa, this 27th Day of September 2012:

(*Signed*) Idriss Abdel Gadir
On behalf of the Republic of the Sudan

(*Signed*) Pagan Amum Okiech
On behalf of the Republic of South Sudan

Witnessed by:

(*Signed*) Thabo Mvuyelwa Mbeki
Chairperson, African Union High Level Implementation Panel
On behalf of the AUHIP

## Agreement on Security Arrangements between the Republic of the Sudan and the Republic of South Sudan

**Addis Ababa, 27 September 2012**

The Government of Sudan and the Government of the Republic of South Sudan (hereinafter, "The Parties") do adopt this Agreement:

*Recognizing* the importance of their mutual security, they shall renounce permanently, any resort to war or violence in the conduct of their relations. The Parties shall refrain from any action that may contribute to insecurity in either State, recognizing the adverse effects of conflict on the citizens of and the relations between the two States.

*Renewing* their commitment to the Memorandum of Understanding (MoU) on Non-Aggression and Cooperation of 10 February 2012, in accordance with the agreed definition of aggression signed by the Parties on 23 June 2012. In particular:

*Renewing* their commitment to the cessation of harbouring of, or support to rebel groups against the other State.

*Renewing* their commitment to immediately cease all hostile propaganda and inflammatory statements in the media.

The Parties agree:

1. In accordance with previously adopted agreements, the Parties shall immediately issue instructions to their forces to withdraw unconditionally to their side of the border. Each Party shall relay relevant information on its withdrawal to the JBVMM, which shall monitor accordingly.

2. The Parties shall immediately operationalize the Joint Border Verification and Monitoring Mission (JBVMM) and the Safe Demilitarized Border Zone. The Parties agree that the JBVMM shall be operationalized in accordance with the Agreement on the Border Monitoring Support Mission of 30 July 2011 as well as the JPSM reference documents adopted on 18 September 2011.

3. The Parties agree that the SDBZ will be operationalized in accordance with the administrative and security map presented to the Parties by the AUHIP in November 2011 with additional special arrangements for the operationalization of the SDBZ in the "14 mile" area which shall include complete demilitarization of the "14 mile" area, maintaining the status quo of the joint tribal mechanisms for the resolution of disputes. These special arrangements will be supported by the JBVMM and the Ad-Hoc Committee of the JBVMM Sector HQ, reporting to the JPSM. The two armed forces North and South of the demilitarized area are to remain in their current base locations. The JBVMM will verify no movement by military forces and armed civilians in the demilitarized area. The Ad-Hoc Committee will investigate any threats emanating to these arrangements from beyond the demilitarized area. Neither party will alter force dispositions in the border area without consultation with the JPSM, through the Ad-Hoc Committee. These additional measures are temporary while the parties resolve the final status of the boundary.

4. The Parties shall immediately activate the Ad-Hoc Committee to receive and investigate complaints and allegations made by one party against the other, in

accordance with the Terms of Reference agreed on 23 June 2012. The Ad-Hoc Committee shall be formally activated by the co-chairs of the JPSM as a JPSM subcommittee with a standing secretariat.

5. In accordance with the JPSM agreement of 18 September 2011, the Parties agree to immediately open the 10 agreed border-crossing corridors. The modalities for the opening of these corridors shall be agreed by the JPSM. The JBVMM shall monitor this process.

Done in Addis Ababa, this 27th Day of September 2012:

(*Signed*) Abdulrahim Mohamed Hussein
Minister of Defence,
On behalf of the Republic of the Sudan

(*Signed*) John Kong Nyuon
Minister of Defence and Veteran Affairs,
On behalf of the Republic of South Sudan

Witnessed by:

(*Signed*) General Abdusalami Abubakar
On behalf of the African Union High Level Implementation Panel for Sudan

United Nations S/2012/734

# Security Council

Distr.: General
3 October 2012

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## Letter dated 2 October 2012 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Further to my letter dated 1 October 2012 through which I relayed the copies of the agreements signed between the Government of the Republic of the Sudan and the Government of the Republic of South Sudan (S/2012/733), I regrettably convey to you that the Sudan People's Liberation Movement Northern Sector (SPLM-N), concurrently with the promising environment created after the signing of the said agreements, has issued a statement implicitly threatening the implementation of the Security Agreement between the Government of the Republic of the Sudan and the Government of the Republic of South Sudan.

Unfortunately, the above-mentioned statement may negatively impact the security and humanitarian situations in the two States of South Kordofan and the Blue Nile.

While conveying this information, the Security Council is fervently requested to urgently send a strong message and pressurize the Sudan People's Liberation Movement Northern Sector (SPLM-N), not to pose hurdles before the implementation of the agreements signed between the two Governments.

You are kindly requested to circulate this letter as a document of the Security Council.

(*Signed*) Daffa-Alla Elhag Ali **Osman**
Permanent Representative

12-52933 (E) 091112

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